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Number 58

FIRST THINGS

The Western Mind of Radical Islam

by Daniel Pipes

Religion and the Court 1995: A Symposium

with Gerard V. Bradley, Nathan Lewin, William Bentley Ball, Dean M. Kelley, Michael W. McConnell

Aquinas and the Heretics by Michael Novak

Habermas on the Upper West Side

by Elizabeth Powers

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Also: Paul Davies and Critics—An Exchange



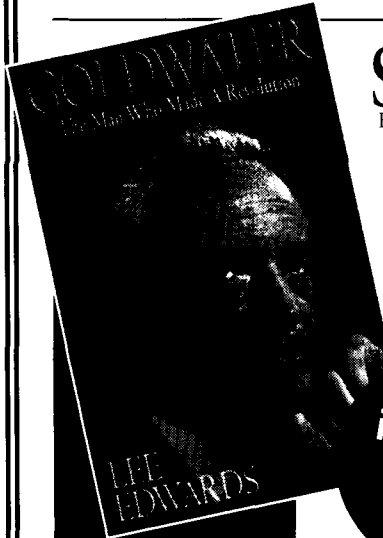
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Paul Davies & Critics: An Exchange

In his essay "Physics and the Mind of God" (August/September), Paul Davies demonstrates the insular, almost solipsistic, nature of modern theoretical physics. Because theoretical physics is the modernist discipline par excellence, such a demonstration must have radical implications. But already, even by reaching this far beyond the essay, I violate its spirit. For this essay, in a sense to be made clear, exemplifies the modernist destruction of perspective.

The author is a specialist in the arcane physics that has brought us the concept of black holes, pointlike singularities of matter and space-time. His essay provides a prescription, as it were, "from within," for the constitution of modernism as just such a black hole. Following its strictures, we define into irrelevance three basic dimensions of human culture.

First, we must forsake the dimension of community. The cultural and historical context of a scientific theory can be stripped away in stages, reducing the theory first to a set of equations, and then to pure Number. The process of historical development of that theory is thus reduced to a process of successive (numerical) approximation. . . .

Second, we discard the dimension of immanence and realism. Science as framed in the essay is an amalgam of Judaic and Greek idealism, not a compound of classical idealism with Renaissance (i.e., Christian) empiricism. We cannot touch or contact reality, for what the senses offer is a naive illusion. . . .

Finally, we abandon all transcendence. Clearly, any semblance of a Judeo-Christian God both powerful and personal must be forsaken. The author's essentially negative prescriptions for God reminds one of a Hindu text on the Self, stripping away one layer after another of false ego. . . .

What then remains? A solitary individual, gazing upon the night sky, striving to reduce its myriad sources of light to one unitary mathematical origin. Within the

terms of this nightmare, one can only invert physicist Steven Weinberg's claim that "The more comprehensible the universe becomes, the more it also seems pointless." Rather, the more incomprehensible we make the universe, the more we must reduce it to a Point.

James A. Given
Rockville, MD

It is a mystery to me why you published Paul Davies' essay, inasmuch as the same theology of physics can be found in more detail in his books. (Perhaps the reason was simply that it was a Templeton Prize Address.) Davies believes that the new physics offers a surer path to God than religion. His cosmology is itself a religion. . . . It has become profitable for physicists, cosmologists, and astronomers to include some aspect of God in the title of their books, even if there is very little present inside the covers that has to do with the God of Christianity.

Major M. Ash, Jr.
Ann Arbor, MI

While Paul Davies' Templeton Prize Address is, overall, a welcome expression from a physicist of openness to the ideas of divine authorship and purpose for the world, there are a couple of points worth taking issue with.

The first is a relative guardedness with which he offers the terms "purpose" and "design." "These loaded words," says Davies, "which derive from human categories, capture only imperfectly what it is that the universe is about." It seems that, in truth, where human speculation towards the transcendent is concerned, human categories or anthropomorphisms are all we have to work with. Surely any ideas we have as to what might constitute "fitful" or "profligate" (terms used elsewhere in the address) action on the part of the Creator derive just as much from human categories as do "purpose" and "design."

Which leads to the second point. It

is troubling to find the attempt to conceive of God's action(s) as if there are only two choices, one of which is a pejorative straw man option of "fitful" or "capricious" miracles working against the stream of nature, and the other of which is a seamless outworking of the divinely authored laws of nature. This false dichotomy too conveniently dismisses any serious attempt to consider that nature and circumstance might actually be saturated with the actions of a living God who hides (see Ecclesiastes 8:16-17). Although it may be difficult for those of a positivist bent to consider such an idea worthy of serious consideration, it is nevertheless acquiring credibility as the current revolution in the sciences proceeds. Chaos/Complexity theory (particularly when combined with quantum theory) has greatly damaged the more classical picture of nature with its assumption of reductionism. It has at once rendered greater the conceivability of divine freedom to act while also recognizing that His action (within this emerging paradigm) will be harder to detect. . . .

Daniel Rice
Westminster, CO

Paul Davies leaps from physics to metaphysics without seeming to realize it.

For example, he rejects what he terms the "profligate over-provision" of a cosmos in which only one puny planet (our Earth) bears life. True or false, this assertion is not science. It is simply the materialist proposition that physical smallness somehow implies metaphysical insignificance—or that moral weight is somehow based on material tonnage.

Again, Davies asserts that "the origin of . . . consciousness by natural physical processes" is a science basic. Does he mean empirical science? The last I heard, every attempt to confirm this hypothesis through empirical experiment or observation has come a cropper. We've spent the money and expended the effort, but to date there is absolutely no confirming observation or blip of data in support of any such science-fiction notions as computer intelligence, lin-

guistic apes or dolphins, alien radio messages, etc. Nothing.

Davies appeals to the authority of James Hartle and Stephen Hawking to assert that the laws of physics "permit a universe to originate spontaneously." If he means by this that the creation of something from nothing has been explained by empirical science, he has probably misconstrued the concept of creation as just another form of corporeal becoming or change. Is such an elementary blunder possible for a learned Templeton Prize recipient, or am I missing something obvious here?

Last, the statement that "science reveals just what a marvel the universe is," while unarguable, seems to carry the implication that science is somehow unique in this ability. I am content that science has inspired Professor Davies in this way, but I also know that others have found this sense of wonder in art, others in religion, others in their neighbors, and still others in contemplating the mystery of an existing mote of dust.

John Peterson
Barrington, IL

At first blush, "Physics and the Mind of God" struck me as a sensible approach to religion: one should not need miracles to explain things because God's laws of nature are so well designed that their normal operation is sufficient to account for God's relationship with the universe, including its creation. This idea of adherence to law appealed to me perhaps because I am also a scientist and tend to squirm a bit when a fellow Christian expounds views of religion that emphasize miracles.

However, on second thought, Davies' approach seems to stumble over the ideas of prayer and the person of God. In both Old and New Testaments we encounter a personal God who repeatedly and with emphasis encourages us to pray, and who assures us of His response to our prayers. Now, it would seem that any action by the person of God in reaction to our prayers must involve some temporary suspension of the laws of nature. Therefore, the idea that God's laws by their normal opera-

tion are sufficient explanation for the universe would seem bad theology.

Robert Hagenmaier
Winter Haven, FL

I found "Physics and the Mind of God" extremely thought-provoking. I especially appreciated the author's collegial openness to theological questions and his invitation for dialogue between scientists and theologians. Regretfully, my own failure to keep up in things scientific makes me a wholly inadequate interlocutor with Mr. Davies. However, I do have one question for which I would appreciate an answer.

Mr. Davies rejects a purely mechanistic understanding of the universe. Life and consciousness, as he puts it, are "written into the laws of the universe in a very basic way." The result is that life and consciousness were neither miracles nor accidents but "the natural outworking of the laws of nature." On a number of occasions Mr. Davies speaks of mind as "emerging" from matter. Despite Mr. Davies' desire to perceive mind as inherent in nature (at least as a natural outworking), it is clear that nature is "preeminent" to mind, life, and consciousness as that which produces mind, life, and consciousness. The classic theistic notion of creation (ex nihilo) understood things the other way round: mind, life, consciousness produce nature and nature's laws. Or, if you will, God created (and still creates) the world. Now my question: Is Mr. Davies' view simply due to the fact that nature alone is directly accessible to the scientist and therefore by a sort of default receives the logical priority, or is there a deeper reason (scientific or theological) why he places nature ahead of mind and consciousness?

William C. Weinrich
Fort Wayne, IN

Paul Davies' Templeton Prize Address really got me excited—for the first three and a half pages. What begins as an incisive and persuasive defense of theism suddenly degenerates into another helping of warmed-over atheism.

In his conclusion, he reveals his

true sentiments, dismissing a personal God as a “cosmic magician” and a “capricious deity.” The Templeton Prize Committee has committed a serious blunder by giving their coveted reward to this dangerous man: he now promotes his shadowy atheism as a religious authority, giving him immense credibility in the eyes of gullible dilettantes and the half-educated. Nonetheless, I’m glad you ran the piece, as it clearly demonstrates the inadequacy and despair of the cold, meaningless worldview that scientific atheism is.

Mark Albrecht
Seattle, WA

Not being familiar with Paul Davies, I approached his Templeton Prize Address with eagerness and curiosity. I hoped that the thoughts of this presumably esteemed scientist would reveal humility and perhaps respect for the God of “ordinary people.” At least I expected to read something novel. Instead, I read, *inter alia*, that “nature is ordered in a mathematical way” and the laws of physics “encourage [the universe] to organize and complexify itself to the point where conscious beings emerge who can look back on the great cosmic drama and reflect on what it all means.” I read that Mr. Davies finds “profoundly uninspiring” the idea of a God who takes an ongoing interest in His creation. I read that Mr. Davies believes that there is a “deeper underlying meaning to existence” because “the contrived nature of physical existence is just too fantastic for [him] to take on board as simply ‘given.’” I read that “we are truly meant to be here.” None of the foregoing seems novel.

I was somewhat surprised to read the arrogant and illogical statement: “If we are alone in the universe, if the Earth is the only life-bearing planet among countless trillions, then the choice is stark. Either we are the product of a unique supernatural event in a universe of profligate overprovision, or else an accident of mind-numbing improbability and irrelevance. On the other hand, if life and mind are universal phenomena, if they are written into nature at its

deepest level, then the case for an ultimate purpose to existence would be compelling.” In other words, Mr. Davies’ concept of God is limited by what Mr. Davies would have done if he were God.

The statement by Mr. Davies that I find most astounding is that “the position I have presented to you today is radically different.” Mr. Davies’ position does not differ radically from the position that views God as a watchmaker who made the watch and left it to run on its own. For us ordinary people, the implications are the same whether (a) there is no God, or (b) there is a God who wrote the laws of the universe so that life and consciousness emerge, but cares not what happens thereafter. If Mr. Davies’ vision of “God” is correct, I suggest that he not waste too much of his time searching for “a framework of ideas that provides ordinary people with some broader context to their lives” and “yields a common set of principles around which people of all cultures can make ethical decisions.” With due respect to Mr. Davies, I do not understand how his ideas, at least as outlined in his Templeton Prize Address, contribute in any meaningful way to progress in religion.

John W. Chambers, Jr.
Atlanta, GA

Paul Davies’ essay offers particularly watery gruel for the modern soul. Behold the wonder of mathematical physics, he writes, surely there must be Meaning in the universe. The clincher: the slightest change in certain mathematical equations, and sentient life would not have arisen.

To begin with, there is not much difference in this account from ancient wonder and the rise of religion. But credit the founders of religion with greater wisdom. They knew better than to equate Meaning or God with a mathematical formula. There is little nourishment in the thought that certain quantum equations ultimately result in the painful death of a loved one, or war, pestilence, and the usual evils of humankind. For all Professor Davies’ philosophy knows, some nasty super-

intelligent alien could have constructed a fancy quantum logo set, with us as the featured players.

Paul Davies complains that “many religious people still cling to . . . a cosmic magician.” But Mr. Davies isn’t far removed from that caricature. He has simply replaced the word magician with the term mathematician. This has a certain advantage for physicists and mathematicians. The nonmathematical rest of us must get our spiritual sustenance from the popular science books the new mandarins write.

Nicholas Wolfson
Hartford, CT

Two of Paul Davies’ assertions in the conclusion of his article are questionable.

How can science ever “reject the notion of miracles” other than by arbitrary fiat? Science is limited to studying the naturalistic by naturalistic means and the truly miraculous is supernatural. If science cannot explain the Resurrection of Jesus Christ, does that mean it can disprove it as not possible? It seems there are epistemological limits involved here as there were architectural limits to the Tower of Babel.

It may be that “the origin of life and consciousness by natural physical processes and Darwinian evolution” are “basic notions,” but they are unproven. In fact, the creation of life by natural processes has never been duplicated despite strenuous efforts, and some researchers have concluded that the odds against it are astronomical. And Darwinian evolution is not only unproven, it has been discredited in major respects (see Phillip Johnson, *Darwin on Trial*). . . .

The hope of modernism was that science would completely replace religion. Postmodernism was not concerned about the resulting moral disaster, but the debacle in Darwinism is one reason why it has nihilistically concluded that nothing is true, except the assertion that nothing is true. Naturalistic monotheism apparently seeks to upgrade modernism by explaining God scientifically as it applies a big bang expansion of knowledge to the borders of

epistemology. . . .

It is a fascinating quest, and one stays tuned in with the question, "Can a species, apparently limited to an IQ of 300, understand what may require omniscience?" If so, then the Omniscient must have intended to structure the method of His creation of the Universe as discoverable by His creatures. That could still leave an infinity of unsolved problems.

George Weber
Portland, OR

Paul Davies replies:

I appreciate the many helpful comments in response to my Templeton Prize Address.

Many of the correspondents seem to be under the misconception that the Templeton Prize is awarded for being a good Christian. In fact, the Prize is not tied to any religion. It is awarded specifically for "progress in religion," that is, for new ideas that stimulate theological and religious debate. It has been awarded to Jews, Muslims, Buddhists, and those, like myself, of no formal religious affiliation. Because science is such a rich source of new facts and concepts, it is no surprise that the Templeton Prize is often awarded to a scientist. Indeed, the motif for the Prize is a galaxy.

Obviously one can't have progress without change. This may mean giving up some cherished notions about God, hopefully to be replaced by stimulating new ones. My own contributions to progress in religion have largely centered on an attempt to revive the ancient and honorable tradition of natural theology—deducing God's nature and purposes from the properties of the physical universe. I make this attempt in the spirit of Sir John Templeton's own vision, which he calls Humility Theology. It means forsaking dogma and certainty, and being prepared to examine new ideas—particularly scientific ideas—without prejudice, from a position of open and honest inquiry.

If I were to characterize my message in a single word, it would be "hope." I believe the popular conception that science reveals a bleak and

pointless universe in which mankind is an incidental and purposeless freak is wrong. I am persuaded that, through scientific inquiry, we can glimpse a deeper meaning to physical existence.

I recognize that by challenging other people's sincerely held beliefs I will be seen as provocative (dangerous according to one correspondent). However, I must emphasize that, as a scientist, I regard all theories about the world, and God, as tentative, and always subject to revision as our understanding grows. I hope that, in a modest way, I have drawn attention to some important scientific advances that are increasingly having an influence on theological debate.

More specifically to James A. Given: You seem to have drawn some unwarranted conclusions from the text. For example, in seeking a law-like mathematical underpinning of the order in nature, I am postulating a radical transcendence: the laws, I submit, have an existence independent of the actual physical universe. I also find it ironic that you accuse me of modernism, when my name has increasingly become associated with postmodernism (perhaps that is worse!).

To Major M. Ash, Jr.: You seem to assume that Christians have a monopoly on the word God. But why should I adhere to a Christian concept of God? I am a scientist with no religious affiliation, trying to bring some fresh ideas into theology and related "meaning of life" topics.

The Templeton Prize is awarded for "progress in religion." We can achieve progress only if we are prepared to forsake some cherished theological notions. Abandoning the "cosmic magician," as many contemporary Christian and non-Christian theologians urge, is a first step.

Personally, I am somewhat reluctant to use the word "god" at all because it means so many different things to different people. I might add that Sir John Templeton shares this reluctance, and tells me that he is trying to find an alternative term. My own thoughts, for what they are worth, are offered in a spirit of mod-

est inquiry. I am not presenting them as The Truth.

To Daniel Rice: I should just like to comment briefly that I agree entirely that modern physics may permit a mixture of law and divine action, and indeed, I have written extensively about "downward causation" in this regard in my books. I simply want to guard against notions of "fitful action" (actually, a term I have borrowed from John Polkinghorne), which is a vestige of an old-fashioned idea of a God who acts arbitrarily as a cosmic Mr. Fixit—a naive image that many people still cling to.

To John Peterson: My remark about "overprovision" is simply that if you believe, as do most Christians, Muslims, and Jews, (i) that God created the universe, and if you also believe (ii) that Earth is the only planet with life, and (iii) that life on Earth in general and mankind in particular are key aspects of God's purposes, then the trillions of other stars and planets fulfill no obvious purpose. They are, quite simply, a waste. I agree this is not a scientific argument, because (i) and (iii) are not part of science. It is, however, a straightforward logical argument. My own ideas on this topic are contained in my book *Are We Alone?*, which you may find worthwhile to read.

Regarding the origin of consciousness, I do not wish to give the impression that in the present state of our knowledge we understand that process scientifically. What I am urging is that we face up to the fact that one day we probably will understand it scientifically, so we had better not base our theology on a desperate hope for continued ignorance on the matter. History has taught that adherents of such a God-of-the-gaps philosophy are on the high road to nowhere.

Regarding the quantum origin of the universe, this happens to be my professional research specialty, too, so I hope I may write about it with some authority. You ask if you are missing something, and the answer is yes, which is not surprising given that you are basing your comments on a single paragraph. It is impossi-

ble to do justice to the subtle ideas involved in a few sentences. I have written several popular books on the subject, including *Superforce* and *The Mind of God*, and I would urge you to read those for a fuller account.

In answer to your specific question, empirical science certainly establishes that, in the quantum realm, events can occur spontaneously, i.e., without well-defined prior causes, in accordance with the laws of physics. If you believe such laws apply, à la Hartle and Hawking, to the universe as a whole (itself an act of faith), then the origin of the universe from nothing is indeed given a possible explanation. Thus, even if the theory is speculative and incomplete, we can see the basis of what a scientific theory of cosmogenesis might be. We need no longer be mystified as to how a universe may originate from nothing in a lawlike manner. Consequently the causal chain version of the old cosmological argument for the existence of God collapses.

To Robert Hagenmaier: May I offer a brief response concerning your conclusion about prayer? On the face of it, if God can influence your thoughts which in turn change your actions, then God can, in effect, move atoms vicariously. Does this violate God's own laws?

This is a fascinating conundrum that I have thought a lot about. Two comments: (i) we don't know how thoughts produce actions anyway (i.e., the mind-body problem remains unsolved), (ii) the laws of physics may permit "top-down" causation.

To William C. Weinrich: Regarding the priority of mind or nature, may I first say that one must carefully distinguish between logical and temporal priority. In my books, such as *The Mind of God*, I have been at pains to point out that time is part of the physical universe, and that the big bang was the origin of time. Accordingly, we should abandon the long-standing habit of dwelling on what came before, and seek instead that which is deeper or more fundamental in a logical and scientific sense.

When we have done this, we can feel comfortable with the notion that

mind emerged from unconscious matter at a later stage in the temporal sequence, without compromising the central astonishing fact that mind perceives in nature something intellectual. In other words, our science mirrors, albeit imperfectly, a really existing lawlike order of a rational, intelligible, and intelligent form. Thus we may assert that mind underpins reality—i.e., is *logically* prior—without having to accept the rather dangerous position that somehow a supermind existed, within time, for an infinite duration, and then created a universe at some arbitrary instant. For more on this topic, see my book *About Time*.

To Mark Albrecht: You label my ideas dangerous, but knowledge of the way in which nature works is not dangerous except to those who prefer to remain ignorant of the facts of the world. It is religious dogma that is dangerous.

To John W. Chambers, Jr.: Your first paragraph makes the point that many of the opinions I expressed have been made before. I agree entirely. I am articulating a theological position that goes back at least to Augustine and possibly Plato. What has changed is that many of the ideas are no longer merely philosophical musings but are now part of mainstream science. Many scientists and theologians have been over this ground, but much of the general public is unaware of that. My Templeton Prize Address was to a public audience, not a professional gathering.

Your second paragraph criticizes my conclusions about the nature of God should it transpire that we are alone in the universe. Curiously, my arguments about extraterrestrial life have been the ones that have found most favor among professional theologians. You seem to be missing the central message of my address, which is an attempt to revive the ancient tradition of natural theology in a modern scientific context.

I can understand that some people find natural theology arrogant and audacious—even repugnant—but then let them not wax lyrical about the wonders of nature in an attempt to argue against atheism. You can

either read God's work in nature or you can't. If you can, then you may be led to make conclusions about God's nature and purposes, hopefully advanced in a tentative and not a dogmatic spirit. Those who marvel at the beauty of a sunset and proclaim "God is good" could also be accused of arrogantly making assumptions about God's nature from observations of the world.

To Nicholas Wolfson: I appreciate that the mathematical ingenuity of nature may offer scant comfort to the dying, but let's be honest: traditional Christianity has always had two distinct concepts of God (or three, depending on your point of view). There is the notion of a personal God who intervenes in the world, working miracles, answering prayers, etc.—the comforting "guardian angel" God. Then there is "God the Great Architect of the universe." Being a physicist, I am, not surprisingly, primarily concerned with the latter. I make no apology for this: that is simply my area of expertise.

To George R. Weber: I am not claiming that miracles are impossible, only that it is no part of science to assume them. Once you accept the idea of miracles, you might as well give up trying to explain the world rationally: you could attribute every phenomenon to a miracle.

Regarding the origin and evolution of life, one can of course cling to a God-of-the-gaps notion, but this is dangerous. Such a God could be swept away at any time by the next scientific discovery. I am urging people to abandon once and for all the unworthy notion of God as a cosmic magician—as he will always be in retreat as science advances—and embrace a deeper, more subtle notion of a God of timeless design.

Children's Rights

In their article, "Abandoning Children to Their Rights" (August/September), Bruce C. Hafen and Jonathan O. Hafen do an impressive job of ferreting out the disturbing legal implications of the UN Convention on the Rights of the Child (CRC). I would quibble, however,

with their assertion that American ratification of the treaty has been held up principally because the "American legal mainstream never embraced the notion of legal autonomy for children." Rather, I think what has held American politicians back from ratifying the treaty has more to do with the CRC's behests to signatory governments to make substantial material commitments to children in the form of housing and health services.

Indeed, the authors' claim that the CRC's ambition to protect children from their parents represents both a "conceptual" and "technical departure from current American law" is, I think, too optimistic about American law. Rather I get the impression that the CRC may have been inspired by the example of contemporary American law. By now, the American legal system has strayed hopelessly from any previous presumption that parents are or should be the rightful locus of authority in children's lives. With shocking regularity the courts intervene in the parent/child relationship—often imposing cruel judgments on parents who do not meet legal notions of children's "best interests."

The most noxious incursions the courts have made on parental authority have been made via the child-welfare system. Tens of thousands of poor children have been removed from loving homes into foster care; judges have even convicted parents of child abuse or neglect for such mild transgressions as restricting their children's television viewing, taking a child out of school for a few days, or leaving a child they have judged responsible home alone in the afternoons while they work.

American courts have gone quite far not only in pushing the state as the ultimate protector of children, but as the grantor of "choice" rights to children. The concept of childhood legal autonomy is by now ripe enough that courts recognize the "right" of a child to obtain legal counsel and even to sue his parents. The most famous examples of choice rights granted children, of course, involve the so-called "reproductive

rights" of teenagers—specifically the ostensible rights of minors to sexual self-determination and to obtain abortions without parental consent.

While working on a book about raising children in America, I have talked to hundreds of parents whose hatred and contempt of the legal system can be summed up in their oft repeated, tongue-in-cheek injunction, "Kill the lawyers and judges!" What accounts for parents' hostility to the legal system?

Parents know that the legal enfranchisement of children in this country has not meant their liberation, but rather their increasing subjection to the impositions of clumsy and impersonal government bureaucracies, bureaucracies far less equipped to meet their needs than are the parents who know and love them.

To talk to parents about the problem of disciplining children, for example, is to come to the conclusion that the time has already come when "parents believe they have no right to give direction to their children . . . because they fear that in giving them direction they might meet state-supported resistance." Indeed, parents point to the ruthless, arbitrary, culturally insensitive, and, in their eyes, often immoral incursions of the courts on parental authority and family integrity; and they protest vehemently that the legal system is preventing them from raising their children right.

Nowhere in American life, I am convinced, is the spectre of government tyranny more clearly visible than in our legal system's current approach to children's rights. Congressional ratification of the CRC would hardly present the first significant legal threat to parental rights and child well-being we face as a nation. It would merely intensify an already raging battle between families and government bureaucracies over who ultimately should raise our children.

Dana Mack
Institute for American Values
New York, NY

The Hafens do well to recognize and highlight the pernicious nature of the

UN's Convention on the Rights of the Child. But the threat they observe is not limited to the United States' potential ratification of the Convention. A UN-style power shift from parent to state is already occurring in America. Increasingly, parents' rights are usurped by government entities in the name of "the best interests of the child." That is why efforts are under-

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way to enact federal legislation to restore to parents the right to direct the upbringing of their children without undue state interference.

Is statutory recognition of parental rights really necessary? Consider the following: This summer, Mr. and Mrs. Earls of Georgia were shocked to find a bag of condoms in their thirteen- and fifteen-year-old daughters' room. The girls confessed that the counselor of their middle school had helped them get the condoms. After repeatedly being told that it was none of their business, the Earls wrested from the reluctant school superintendent that the counselor had driven the girls during school hours to a health clinic where they were tested for AIDS and cervical cancer, and given condoms and prescriptions for birth control pills. The school has, to date, refused to give the Earls the results of the tests. "We're simply trying to do what's best for the students," said the superintendent.

Education bureaucrats are not the only culprits. A steady drumbeat of Child Protective Services tragedies reveals an increasing nonchalance about the sanctity of the family unit on the part of government social workers who take children from their homes on little more than rumor. This "loot first and ask questions later" approach reflects the height of arrogance and does untold damage to the very souls CPS was designed to protect. . . .

The UN's "new concept" of government "protecting the child from the power of parents" is a concept with which the vast majority of Americans disagree. In February of this year, Luntz Research asked registered voters nationwide: "Who do you feel should be primarily responsible for the upbringing and education of children—parents or the government?" Voters favored parents by a 94 percent landslide.

The Hafens are right—paternal deconstruction proponents responsible for the CRC have done through the UN what they could not do through the legislative process. Ratification by the Clinton Administration of the Convention would mark a radical departure from American law and policy and a patent disregard for the

convictions of the American people.

Gary L. Bauer
Family Research Center
Washington, D.C.

The United Nations Convention on the Rights of the Child strikes me as already out of date. The CRC, according to the Hafens, evolved during the last decade of the Cold War. It seems to have in mind primarily children in totalitarian states or children from poor or politically disrupted countries. With regard to the former, it wants children to have access to information of all kinds, the right to choose their own religion, the right to express their opinions, and the right to privacy. With regard to the latter, it wants better health care, a guaranteed public education, and protection when deprived of a family environment due to war or famine.

CRC is strangely at odds with our situation in the United States. Here parents feel that they have lost control of their children to the socializing power of market appeals, television, a hostile popular culture, and tyrannous peer groups. Yes, some parents are concerned about state-sanctioned "secularism" in our schools. But they would be less concerned about this if they were not desperate to find leverage to resist these other incursions into family responsibilities and prerogatives.

CRC is blind to what Alan Wolfe calls the emerging "market family" or what I call the "market child." This is the child increasingly under the control of rational-choice individualism that makes the market go. As the market family and child spread to the rest of the world, the CRC may appear to be "abandoning children" not just to their "rights," as the Hafens contend, but to the seductions of these increasingly pervasive market forces.

The best resistance to these forces are families themselves and a critical appropriation of the religious and cultural traditions that sustain them. Although CRC states that families have the primary responsibility for raising and educating children, its language of rights provides no theory for why this is true. The best theory was stated first in Aristotle's *Nico-*

machean Ethics and *Politics*. It had to do with his prescientific theory of what evolutionary psychologists today call "kin altruism." Because parents sense that their children are partially them—something like "copies" of themselves—they are concerned to take care of them as a matter of self-concern.

Aristotle's theory was enriched by Aquinas. He taught that families invest in their children for two reasons. First, parents have a natural affection for the little beings that are, as Aristotle suggested, part of themselves. But second, parents should love and protect their children because they, as all children, reflect the goodness of God. Children are, for this reason, especially deserving of love. Hence, according to Aquinas, the family and religion are the first guarantors of child well-being. Although there is clearly a role for the state in protecting children and enhancing their well-being, it is the custodian of neither of these basic motivations for child care.

The CRC is a serious document. But it needs revision to balance its excessive language of rights with a language of responsibility. It should acknowledge, much more strongly than it does, the importance of families and a critically appropriated religion for child well-being. Finally, it needs to assert that the role of government is to support families, make space for religion, protect children in those cases when families do positive harm, and, indeed, defend both families and religion from the ravages of the market.

Don Browning
The Divinity School
University of Chicago
Chicago, IL

"Abandoning Children to Their Rights" is an important contribution that should help those already engaged in protecting parents' rights and working for the defeat of the ratification of the CRC: Eagle Forum, Family Research Council, Christian Coalition, et al.

This is especially so when one learns of Vatican support for the CRC. . . . Pope John Paul II has been

one of the Convention's strongest advocates. Archbishop Renato R. Martino, Vatican nuncio to the United Nations, sent a letter to the International Catholic Child Bureau encouraging efforts to have the United States ratify the convention. . . .

What courses of action on this issue are open to individuals and groups who want to operate in concert with the Vatican and whose spiritual/temporal hero is John Paul?

Leon J. Robey
Savannah, GA

Sudanese Realities

Paul H. Libens's report, "Murder in the Sudan" (August/September), is an important contribution to raising awareness of the disastrous effects of the civil war in that country.

There are diplomatic realities, deeply rooted in Africa's international relations, that make resolution of this conflict difficult. At independence Sudan was not alone in having territorial boundaries that did not reflect the distribution of ethnic groups. Nearly every African country had inherited colonial boundaries that were "artificial." In the early 1960s the newly created Organization for African Unity (OAU) decided it would open a Pandora's Box of ethnic and national conflict to rearrange boundaries. Therefore, all colonial boundaries were "Africanized," and became internationally accepted boundaries. With this new international norm in mind subsequent attempts at subnational secession, such as the Biafran secession from Nigeria, were not supported by the OAU.

There were always exceptions to the rule. A secession could occur if the subnational territory had been under a separate colonial jurisdiction and the secession was approved by referendum. Thus, Eritrea's independence was accepted diplomatically because it had been an Italian colony and held a referendum. Southern Sudan does not meet these two conditions. Southern Sudan can lay claim to a large measure of colo-

nial autonomy, which might sway international opinion as to a strict application of this norm. But even having jumped this hurdle, Southern Sudan has not had a referendum, nor is it conceivable that such a referendum would be allowed by the current government of Sudan. Therefore, as in Eritrea, the only real possibility of independence would be by a military victory by the South, followed by an internationally accepted referendum. . . .

Finally, these African norms influence and limit both UN and U.S. policy. The UN will be reluctant to address the Sudan issue without clear guidance from the numerous African members. American sympathy will likely lie with Southern Sudan due to common ties of religion and language, reinforced by a dislike of the flagrant disregard for human rights by the Sudanese government and its close ties with pariah Iran. However, at this time, it is hard to imagine the conditions under which this American concern would be transformed into actual military or diplomatic assistance to the South.

Robert B. Lloyd
Washington, D.C.

Standing or Falling?

In The Public Square (August/September), Father Neuhaus states, on the basis of information supplied by William Lazareth, that the phrase *articulus stantis et cadentis ecclesiae* ("the article by which the church stands or falls"), in reference to the doctrine of justification by faith, originated with a certain Valentin E. Loscher in 1718. However, we can trace this phrase much farther back than that. The Lutheran theologian Balthasar Meisner used it in 1613, referring to it as a "proverb of Luther." Perhaps he was referring to the statement of Luther in his 1540 exposition of Psalm 130:4, in reference to the doctrine of justification by faith, that, *quia isto articulo stante state Ecclesia, ruente ruit Ecclesia*. Not exactly the wording that later

became axiomatic, but pretty close. Perhaps it is enough to justify Meisner's conclusion that the phrase originated with Luther. Certainly it is enough to justify the claim of later Lutherans that Luther pointed the way towards the conclusion that the doctrine of justification is the *articulus stantis et cadentis ecclesiae*.

Jack Preus
Concordia Seminary
St. Louis, MO

RJN replies:

Evangelical theologian Alistair McGrath makes a similar point in his book *Iustitia Dei* (p. 239), except he traces the phrase to a Reformed theologian, Johann Heinrich Alsted, who wrote in 1618: *articulus iustificationis dicitur articulus stantis et cadentis ecclesiae*. McGrath notes that "precursors of the phrase" are found in the writings of Luther.

Lay Off the Jesuits

From time to time, Father Neuhaus has suggested that the Jesuit Order is not at all what it used to be. Very few have been as closely associated with the Jesuits as I have, and from all I can observe first hand, the statement of that great historian, Will Durant, is still true: "It is the greatest organization the world has ever known." "They were great teachers, those Jesuits," said Durant, a former student at St. Peter's College in Jersey City. They still are. Just check at Georgetown, Boston College, Fordham, Holy Cross, St. Louis, Loyola, Santa Clara, Gonzaga, and the other twenty Jesuit colleges in the U.S., plus the forty-eight excellent Jesuit high schools in this country. . . .

If you apply Christ's words, "By their fruits you shall know them," the Jesuit Order—abroad as well as in the U.S.—is alive and well, looking forward to its fifth century of unparalleled service to the Church and the world.

Dan Lyons
Bloombsury, NJ

THIS TIME

O. J. Simpson & the American Dilemma

James Nuechterlein

The first thing to be said about the O. J. Simpson trial is that he was obviously guilty. Given the overwhelming evidence, one is inclined to wonder how the jurors managed, other than through a willed suspension of rational deliberation, to find reasonable doubt—though it can be said in the jury’s defense that Simpson’s lawyers set up a display of legal smoke and mirrors so elaborate as to render the obvious obscure. It had nothing to do with justice, but it had its own perverse virtuosity.

The second, and socially more significant, thing to be said is that the trial revealed yet again the appalling gulf that separates blacks and whites in America. It’s not simply that most whites thought Simpson guilty and most blacks the reverse. It is not surprising or even necessarily a cause for dismay that blacks would reflexively side with “one of their own,” even in the face of the evidence, in a controversial case. That sort of instinctive solidarity is quite understandable. What does dismay is the basis for solidarity: the clearly widespread sense among black Americans that this is a pervasively racist society in which a conspiracy in the white legal establishment to convict an innocent black is not simply plausible but in fact reflects the normal course of affairs.

It is only in this context that the Simpson jury’s apparent willingness to accept the defense’s unsubstantiated charges of evidence-planting makes sense. And of course there was—providentially for the defense—the presence in the prosecution’s case of Detective Mark Fuhrman. This truly vile racist gave the defense all the excuse it needed to make a blatant appeal to race, even to the grotesque extent of identifying Fuhrman with Hitler and of suggesting that an acquittal of Simpson was somehow necessary to prevent a racial holocaust in America. (In defense lawyer Robert Shapiro’s already classic line, “Not only did we play the race card, we dealt it from the bottom of the deck.”) One gets the sense that for a great many blacks Mark Fuhrman represents white middle America. And it is our awful situation that those of us whites who are sure that this is false have no idea of how to make blacks understand that.

Race has always been the great exception to American exceptionalism. We have, by and large, been blessed by history, but race has always bedeviled us. It took a monumental civil war to end more than two hundred years of slavery, and the nation only reunited when Northern whites tacitly acquiesced in the scheme of Southern whites to reimpose domination over blacks through an elaborate system of segregation. As blacks moved north, they found their opportunities circumscribed by an unofficial version of the same system. As late as 1944, Gunnar Myrdal wrote of *An American Dilemma* in which the nation denied to black citizens its fundamental guarantees of liberty and equality.

The civil rights revolution set out to change all that, and in many ways it did. Official segregation disappeared and much of unofficial segregation with it. In their place appeared a new structure of laws and court decisions designed to secure, in Lyndon Johnson’s words, “equality as a fact and equality as a result.”

Yet for all the genuine progress that followed, the exception to exceptionalism continues to haunt us. The underclass, disproportionately black, is plagued by social pathologies so profound that many Americans have simply given up on it. After the failure of myriad reform schemes, white Americans are tempted to view the existence of the underclass as a condition to be endured rather than a problem to be solved. Appeals to guilt no longer move them—they have, they think, paid their own dues—and they regard both the rhetoric and the leadership of the civil rights establishment as irrelevant where it is not cynical. An America made up of white oppressors and black victims is for them a matter of history, not current reality.

Middle-class blacks, meanwhile, for all the economic and political improvements they have made, appear no less resentful and suspicious of whites than they were before the civil rights revolution began. A great many of them continue to view America as a fundamentally racist society and they are skeptical, to put it mildly, of white protestations of good intentions.

Race is still, in other words, the great American dilemma. That dilemma has radically changed shape in the past half century and many things have changed for the better. But the dream of a new order of racial concord that those of us, black and white, who participated in the original March on Washington dared to entertain seems, in retrospect, naive and utopian.

We didn’t need the Simpson trial to remind us of that. The bitter controversies over Charles Murray and Mark Herrnstein’s *The Bell Curve* and, more recently, Dinesh D’Souza’s *The End of Racism* have seemed not so much the beginning, however

awkward, of a necessary dialogue as the end of any civil conversation at all.

A long essay in the *New Republic* by Ruth Shalit on racial difficulties at the *Washington Post* ("Race in the Newsroom," October 2, 1995) characterizes our current dismal situation. In the mid-1980s the *Post* began a vigorous program of affirmative action. For every four new hires, one would have to be a minority (two would have to be women). The program worked, at least numerically. Today minority members make up 18 percent of the professional staff of the *Post*, a figure that considerably exceeds the pool of potential minority journalists.

The results of the diversity program have—predictably enough—satisfied no one. Many whites argue that blacks get in under a double standard ("he's dumb as a post"; "she can't write a lick") and that quality controls have fallen. White males in particular complain of reverse discrimination for choice assignments or for promotions to editorial positions. Blacks, for their part, still perceive widespread discrimination against them: glass ceilings, a hostile newsroom environment, a continuing sense that they must meet standards higher than those applied to whites. The perceptions on both sides constitute what is by now a drearily familiar story in American life.

Whites and blacks live in different conceptual

universes on questions of race. Whites see a vastly expanded field of opportunities that blacks have failed fully to use to their advantage. Most whites do not think of themselves as racists and they suspect blacks of indulging in blanket charges of racism as an excuse for inequalities in performance of which they are embarrassed. Blacks see whites as engaged in a massive self-deception as to the persistence of racial prejudice. Behind a facade of equal opportunity they perceive a persisting structure of discrimination—one all the more insidious because it does not announce itself for what it is.

The result of all this is that we cannot speak to one another except to exchange resentments. People of good will on both sides retreat into bewildered or resigned silence, leaving the field to demagogues and grievance-mongers. We need to talk but we do not know how to talk, and those who do talk only make things worse. What Ruth Shalit says of the situation at the *Post* applies in general: "The more everyone talks, the worse everyone feels."

This is in many ways a season of hope for America. On many issues, the worst of our ideological differences may be behind us. But on our racial divisions, as the Simpson trial once again reminds us, there is not only no end in sight, there are not even credible signs of a beginning. FT

Contagion

(for Effie May MacDonald)

Yours was a Christmas dying, off-centered in time.
I could not, I could not shake free myself
for a grade school week so your shriveled
belly, the womb that room-and-boarded my mother's
mother, was leveled without, without my sniveling.

But I caught a muse from you like a head cold:
a fever of nouns, a pneumonia of hacking adjectives
that our holy God orders antidoted, curled,
twisted, pounded into remarkable shapes, then collected
and deposited at his ornamental left throne leg.

Wait! I forget again,
you see me here sideways
on the box spring. Do you
approve? This vers libre,
this bodybagging of rhyme, this Heimlich
maneuvering of meter, this belly
flopping of metaphor.

Yours was a Christmas dying, off-centered in time.
May he rework my soul in so perfect a rhyme.

Bill Stadick

Opinion

The Rebbe Live

Sanford Pinsker

In what may yet come to be regarded as the heyday of the Lubavitcher hasidim's outreach program, Jewish youngsters during the 1970s descended on Brooklyn's Crown Heights district nearly every weekend to spend the Sabbath with the followers of Menachem Mendel Schneerson, the Lubavitcher Rebbe. Other hasidic groups (particularly the Satmar of Brooklyn's Borough Park) did not hold with such practices, finding something unseemly in opening their homes to the worldly, uninformed, and essentially nonbelieving. But the Lubavitcher hasidim prided themselves on their hospitality, openness, and—perhaps most of all—their tireless efforts to nudge a generation of lost Jewish souls toward spiritual return. Indeed, their rebbe had made such efforts a matter of official policy.

In their pursuit of lost souls, the Lubavitchers embraced the technology rejected by other essentially separatist religious communities: the Satmar hasidim, the Roman Catholic monasteries, or the Old Order Amish. With telephones, faxes, videotapes, computers, elaborate "Mitzvah Mobiles" (the sound trucks that traversed Manhattan to encourage nonpracticing Jews to join them in obligatory daily prayers), and even a worldwide radio network, the Lubavitchers spread the word. Since the death of the Rebbe on June 12, 1994, however, the Lubavitchers have put this technology to a new use—promoting the words, stories, and even images of the late Rebbe in a way that brings to mind certain parallels with the "dead hasidim" who continued to follow Nachman of Bratzlav after his death in 1810, and that has made it nearly impossible for the Lubavitchers to choose a successor to their rebbe.

Perhaps nothing characterizes day-to-day life among the Lubavitcher hasidim more than enthusiastic optimism. They go about their tasks with an unwavering confidence that the rebbe is a *tzaddik* (a saint), and that he is simultaneously their guide and protector. Stories about his powers are traded as eagerly as small boys swap baseball cards, all of which is to say that a hasid (literally, a pious one) is principally defined by his all-encompassing discipleship to a rebbe.

The Jewish youngsters who descended in crowds on Crown Heights to hear and see the Rebbe often

asked what would happen when he died, for they knew that he was childless and that no successor was being groomed. What they didn't know, however, was how upsetting (to say nothing of inappropriate) such inquiries seemed to the Lubavitchers. To imagine life without the Rebbe was tantamount to heresy. Sometimes an official spokesman would remind the crowd that the span of a Jewish life was traditionally calculated at 120 years, and reassure the students that the Rebbe possessed enormous vigor. And, indeed, his vigor was impossible to discount as he led his hasidim into frenzies of song and dance during the gatherings that were the high point of every student visitation. In the summer of 1994, however, following a series of strokes that left Schneerson largely incapacitated, the Lubavitcher movement had to face the unthinkable head-on.

As Nachman of Bratzlav felt himself slipping into the arms of death, he turned to his anxious disciples and said, "My light will glow till the days of the Messiah." They took his remark to mean that there was no need to find another spiritual leader to replace him, and in the 185 years since his death, the Bratzlaver hasidim have continued rebbe-less. They speak of Nachman in the present tense and reread his thirteen stories from one generation to the next. In the ultra-Orthodox quarter of Jerusalem's Mea Shearim, one can find Rebbe Nachman's intricately carved chair—broken into small pieces, smuggled over the Russian border, and then patiently reassembled—prominently displayed in the chief Bratzlaver synagogue where his stories are read each Sabbath morning.

Nachman's tales provide what is arguably the most intriguing literature produced by a hasidic tradition that has valued the use of story as a way of appealing to the Jewish masses ever since the days of the Baal Shem Tov, hasidim's founding spirit. Nachman, the Baal Shem's grandson, perfected this storytelling-as-preaching into a high art—one recognized as such by Martin Buber and many others. But the very idea of a hasid without a rebbe is odd in the hasidic world where one's devotion to a spiritual leader is *the* defining difference between ultra-Orthodoxy and "mere" Orthodoxy. A hasid who cannot have an "aloneness" (*y'chetus*) with his rebbe—where the petitioner seeks council, advice, and most of all, blessings—is an anomaly within the hasidic world. Small wonder, then, that the Bratzlavers are known as the "dead hasidim" and that their very movement seems so paradoxical.

One might rightly argue that the living presence of a rebbe is not required if one has recourse to his continuing instruction, but this is an intellectual argument; hasidic life relies, first and foremost, on the palpable interactions that bind troubled souls to the higher powers incarnate in the rebbe. The Bratzlavers

are an apparent hasidic contradiction of hasidic life.

Imagine how the Bratzlavers might have developed had there been camcorders and videotape during the days of Nachman, and you will have some idea of what the future of Lubavitcher hasidism might look like. For if it is true that Chabad (as the movement is widely known) relies on technology to spread its message as well as to keep effective track of its worldwide organization, it is even truer that the words, and image, of the Rebbe have always been at the very center of their elaborate technological web. Generally speaking, hasidim do not much approve of photographs. But it is hard, probably impossible, to find a Lubavitch household that does not have a painting or photograph of the Rebbe on prominent display.

And that, as they say, is merely the tip of the iceberg. Virtually every official pronouncement the Rebbe uttered has been meticulously preserved—sometimes on videotape or audiocassette. The many sermons (sometimes lasting for as long as four hours) that he delivered on the Sabbath, when recording and even writing are not permitted, were captured by the remarkable efforts of a member of the Rebbe's court, Yoel Kahn, who painstakingly memorized every sentence, every paragraph, and then later reproduced a full text for the Rebbe's approval. Skeptics may have their doubts about the accuracy of such an enterprise, but as the hasidim like to put it, if there is such a thing as a photographic memory, why not an audiographic one? Besides, what matters is that these archives—accurate or not—will become an enduring legacy and an abiding presence.

Just recently, Rabbi Yehuda Krinsky, the Rebbe's longtime aide, spokesman, and executor of his will, announced the discovery of three handwritten notebooks from the Rebbe's early years in Warsaw, Paris, and Nice—random thoughts covering everything from issues in Jewish literature and customs to mathematics and medicine. They are, in Krinsky's words, "a treasure of incalculable value," for they will help to fill in the lineaments of the Rebbe's complicated portrait.

Of even wider significance may be the publication of *Toward a Meaningful Life: The Wisdom of the Rebbe, Menachem Mendel Schneerson* by a mainstream publisher (Morrow) who plans aggressive marketing of the Rebbe's thoughts to three very different audiences: the Lubavitcher community (numbered conservatively at two hundred thousand), the wider Jewish community, and a growing American readership hungry for inspiration.

In short, if the thirteen stories of Nachman have been sufficient to hold his legacy intact for nearly two centuries, there is every reason to believe that an analogous situation will apply to the Lubavitcher hasidim as their now badly shaken movement enters the twenty-first century. One sign of the shape such a future might take could be seen in the gathering of

Lubavitcher hasidim on the occasion of the first anniversary of their rebbe's death. Many steadfastly refused to use the traditional word, *yahrzeit*, for such a remembrance, preferring to call June 12, 1994, "the event"; nor would they, like the dead hasidim of a bygone age, talk about Rebbe Schneerson in the past tense. For them, he remains a living presence, one whose pronouncements will be as palpable and awe-inspiring in the future as they were in the past.

In the headquarters of the Lubavitcher movement at 770 Eastern Parkway, the small room that once served as the Rebbe's office has been preserved, less as a relic (although outsiders will surely see it as precisely that) than as a living vessel for his legacy. Here, one can see the intricately carved, velvet-covered chair on which he sat as well as other intimate reminders of his earthly presence. During the anniversary mourning period, prominent Lubavitcher families were allowed to spend a few precious moments in a simulated "aloneness" with their spiritual leader. In such an atmosphere of profound grief, mixed as it must be with confusion, doubt, and an insistence that the Rebbe has, or will somehow, cheat death, there is no talk about a successor. Who, after all, could bind together such a large, far-flung movement, much less presume to replace the Rebbe in the hearts and souls of his hasidim?

Nonetheless, thorny matters persist, and none more unsettling than whether or not Menachem Mendel Schneerson is the Messiah. Even the Rebbe's calculated interference with Israeli elections (he sent over planeloads of hasidim who hold dual-citizenship with instructions to vote for candidates from the religious right) was not as distressing to mainstream Jews as were the banners and postcards, chants and dancing devoted to the proposition, "Long live our master, teacher, and rebbe, King Messiah, forever and ever."

Mainstream Judaism continues to believe in a generalized Messianic spirit, but also remembers a string of false messiahs (Sabbetai Zevi, who converted to Islam in 1666 rather than be executed, is perhaps the most notable example) and the catastrophes they occasioned. For many non-hasidic Jews, the fervor that swirled around the Rebbe during his last days was embarrassing—not only because it seemed so excessive, but also because it struck them as much more Christological than authentically Jewish. Many conservatively inclined Lubavitchers (including Rabbi Krinsky, the movement's chief administrator) did what they could to dampen the ecstasy that a handful of fervent Messianists tried to unleash.

If there is little doubt that the future of Chabad lies in cyberspace, it is less clear about which rebbe will be called up on the Internet. Some continue to insist that he is, then and now, nothing less than the Messiah, while others hope that the movement will eventually return to its roots in hasidic tradition and teach-

ing. This much is clear: Rabbi Schneerson never claimed to be the Messiah. In fact, when Lubavitchers in Israel first published pamphlets announcing the claim, he ordered the entire batch destroyed. But the notion continued to resurface, and when one of the Rebbe's strokes left him without the ability to speak, the Messianic die was effectively cast. Every nod of his head, every glance of his eye, was interpreted as another sign that the longed-for Messianic age was just around the corner.

The question that visitors to Crown Heights posed, the question of what will happen after the Rebbe's death, has not yet been answered. And the ongoing debate may yet splinter the Lubavitch world. But it is more likely that hasidim will keep faith with their fallen leader, poring over his writing and watching his transfixing face beaming back at them from their VCRs.

SANFORD PINSKER is *Shadek Professor of Humanities at Franklin and Marshall College and Executive Editor of Academic Questions, a publication of the National Association of Scholars. He spent the 1970-71 academic year in Crown Heights on a grant from the National Endowment for the Humanities.*

Doing What Can Be Done

Clarke D. Forsythe

American social reform movements have typically sought guidance from theologically informed morality for their political action. But what actions theology and morality demand are not always clear. The anti-slavery movement endured considerable internal debate over political action: the Boston Unitarian Minister Theodore Parker condemned Daniel Webster for his participation in the Compromise of 1850 with the words, "They enslave their children's children, who compromise with sin." Similarly, the bill to ban partial-birth abortions that the House of Representatives passed on November 1 has engendered considerable internal debate over political action within the pro-life movement.

The prohibition on D&X, or partial-birth, abortions was originally debated and approved by the House Judiciary Committee last July. First publicized by an Ohio abortionist at a meeting of the trade association of abortionists, the D&X (dilation and extraction) method involves removing the unborn child feet first from the womb, cutting into the back of the head with surgical scissors, extracting the

brain tissue, crushing the skull, and then extracting the rest of the dead child's body. Two Ohio abortionists have performed hundreds of these, usually after twenty weeks of pregnancy. Capitalizing on the political gains made in the House in the November 1994 elections, proponents of the ban seek to overthrow the abortion legacy of Bill Clinton, to educate Americans about the cruelty of the abortion culture, and to remind them that thousands of late-term abortions are committed by abortionists every year.

Despite the bill's sponsorship by the pro-life movement's leading statesman of the past twenty years, House Judiciary Committee Chairman Henry Hyde (R-Ill.), some pro-life leaders have condemned the partial-birth abortion ban—and the pro-life organizations supporting it—because the bill allegedly contains a "health" exception, permitting a D&X abortion to protect the health of the mother. All abortions take the life of an unborn child, of course, but the purity of pro-life principle in those who condemn the bill does not guarantee success in banning all abortions—and may, in fact, help extend the reign of the abortion terror.

Moreover, the pro-life objectors may be misreading the House bill, for, in fact, it contains no "health" exception, but rather a much more narrow "affirmative defense" by which the abortionist may attempt to prove—only in the context of a criminal prosecution—that he used the D&X method to "save the life of the mother." Subsection (e) of the bill states:

It is an affirmative defense to a prosecution [of the abortionist] or a civil action under this section, which must be proved by a preponderance of the evidence, that the partial-birth abortion was performed by a physician who reasonably believed—(1) the partial-birth abortion was necessary to save the life of the mother; and (2) no other procedure would suffice for that purpose.

This is not a life-of-the-mother exception. It does not allow or permit any partial-birth abortion to proceed. It states only that *after the fact*—in the context of a prosecution for performing a partial-birth abortion—an abortionist may raise the defense (with no guarantee of success) and must prove both that the abortion was necessary to save the mother's life and that no other procedure would suffice. Subsection (e) is drafted so narrowly that it may never be used as a practical matter, and it runs as close as possible to the constitutional limits. The sponsors of the bill did all that was reasonably within their power to do.

No pro-life leader wants to be just *regulating* abortion ten years from now. In the Anglo-American tradition, the common law treated each unborn child as a person at the earliest point in gestation when it could be determined to be alive, and the law protected the unborn as far as contemporary medical knowl-

edge allowed. We want to restore that American tradition of protecting the unborn to the greatest extent possible in law and medicine. We want to *prohibit* the abortion trade.

But, reluctantly and realistically, we must admit that there are serious constitutional and political obstacles to passing *any* limitations on D&X abortions (or any other kind of abortion) without some kind of "health" or "life of the mother" qualification. There is, in particular, a ceiling of Supreme Court decisions that prevents full protection. The object must be not to ignore such obstacles but to ultimately overcome them.

Currently, abortion is allowed at any time of pregnancy, for any reason, by the Supreme Court's decisions in *Roe v. Wade*, *Doe v. Bolton*, and *Planned Parenthood v. Casey*. In addition, the Supreme Court has required that laws restricting abortion contain exceptions for "health." That definition of "health" is far broader than the "life of the mother defense" in the House bill. The Supreme Court, in the 1992 *Casey* decision, held that a "health" exception was constitutionally mandatory. If the "life of the mother" provision is not included, the bill may be immediately invalidated by a federal court—its beneficial effect thereby lost, with pro-life legislators at the state and federal level inhibited from passing future legislation.

In addition, in the 1979 *Colautti* and the 1986 *Thornburgh* decisions, the Court held that a statute could not weigh the child's life against the mother's health. The state and federal governments are *required* to allow an abortionist's "concerns" about the mother's health—including psychological health—to trump the unborn life. Thus, arguably, a ban on a type of abortion is invalid if the mother's "health" would be preserved by using that type of abortion.

If exceptions are not explicitly incorporated into a criminal law, the state or federal law risks invalidation as unconstitutional. Although it is doubtful as a medical fact that a D&X abortion would ever be required to preserve the mother's "health" or "save her life," if a D&X abortion might be required in a particular instance to preserve the mother's health, it is authorized by federal constitutional law.

After *Webster* and *Casey* this health exception is *arguably* not constitutionally required for late-term abortions, but no one knows and there are no guarantees. We may see Planned Parenthood or the National Abortion Federation challenge the House bill, if it survives the Senate and a Clinton veto. The pro-life movement may benefit from additional publicity given to partial-birth abortions through such litigation and the Supreme Court confronting these horrific abortions. But that speculation about the future does nothing to avoid the constitutional and political obstacles that the sponsors faced at the time the bill was drafted in the House Judiciary Committee.

Pro-life Americans may be upset about the injustice of a broad health exception—allowing abortion on demand throughout pregnancy—but righteous indignation without political prudence and legal understanding are the ingredients of political futility. If acceding to what is already authorized by the unjust federal law is morally impermissible, it means that the pro-life movement is prevented from accomplishing any lessening of the evil impact of the unjust federal law of abortion on demand.

The partial-birth abortion ban is not a moral compromise. It does not concede the legitimacy of any abortion. It merely recognizes current legal and political obstacles and acts within them.

Pope John Paul II stated clearly the moral principle on which this approach is based in his recent encyclical, *Evangelium Vitae*. He begins with a stern injunction: "In the case of an intrinsically unjust law, such as a law permitting abortion or euthanasia, it is therefore never licit to obey it, or to take part in a propaganda campaign in favor of such a law, or vote for it." In the next paragraph, however, the pontiff makes clear what does not fall within that prohibition:

A particular problem of conscience can arise in cases where a legislative vote would be decisive for the passage of a more restrictive law, aimed at limiting the number of authorized abortions, in place of a more permissive law already passed or ready to be voted on. . . . In a case like the one just mentioned, when it is not possible to overturn or completely abrogate a pro-abortion law, an elected official, whose absolute personal opposition to procured abortion was well known, could licitly support proposals aimed at *limiting the harm* done by such a law and at lessening its negative consequences at the level of general opinion and public morality. This does not in fact represent an illicit cooperation with an unjust law, but rather a legitimate and proper attempt to limit its evil aspects.

Here, the Pope appeals to principles of political morality and statesmanship that go back at least to Aristotle. The Lincoln scholar Harry Jaffa has put it well: "It is the essence of practical wisdom to adapt its judgments to differences in circumstances. The purpose of practical wisdom is always the same, and the wise statesman will act to achieve the greatest measure of justice that the world in which he is acting admits."

It is important to apply these principles to the situation of current American law on abortion. *Roe v. Wade* is unjust; it is also the law of the land. Legislators cannot overturn that law. They can, however, "support proposals aimed at limiting the harm done by" that law, thereby "lessening its negative conse-

quences at the level of general opinion and public morality.”

In the case of the partial-birth abortion ban, no pro-life supporter believes that the unborn child is any less alive at eight weeks than twenty weeks gestation. But this legislation does limit our federal abortion law, without admitting the legitimacy of any abortion. It also educates the public that late-term abortions are particularly cruel and brutal.

In addition to these benefits, fighting for regulatory legislation until the day that we can once again prohibit the abortion trade carries other advantages. It reduces the number of abortions. It helps organize the pro-life movement's grass roots. It builds stronger and better pro-life legislators who can be future leaders. It distinguishes our friends from our adversaries and puts both in the spotlight.

When the limits on what is politically and constitutionally possible are disregarded, the passionate moral condemnation of “all or nothing” pro-life allies unnecessarily threatens the unity of the pro-life movement, reduces the pro-life movement to a carp-ing sideshow, and strips it of any influence in American politics or culture.

With no political ability to achieve “all,” the movement is left with the alternative of doing nothing but shout from the sidelines—leaving it without the political resources to make the kind of progress that the attack on partial-birth abortion represents.

CLARK D. FORSYTHE, *an attorney, is President of Americans United for Life.*

ON THE OTHER HAND

Chain Gangs

Peter L. Berger

After a thirty-year hiatus, chain gangs are back. Alabama, fittingly enough, has been first to reinstitute this great Southern tradition. But this is no longer an exclusively Southern phenomenon. The next four states getting ready to adopt this penological practice are Arizona, Florida, Wisconsin, and Michigan. If present trends continue, chain gangs will soon be shuffling from sea to shining sea.

The men in the reinstituted Alabama chain gangs wear leg irons, chained eight feet apart in groups of four. The arrangement, of course, only permits them to move slowly and awkwardly. Their work, under the eyes of guards with shotguns, is to pick up litter along highways or, in time-honored fashion, to break

rock piles. The convicts thus employed are from *medium-security* prisons. Presumably inmates of higher-security prisons are not trusted to be outside even in chains. But this means that the chained prisoners are not your real heavy-duty criminals, like murderers or rapists. The only crime named in a recent story on chain gangs in the *Boston Globe* was receiving stolen property. An earlier story featured an interview with a man convicted of possession of an illegal drug. In any case, in these medium-security prisons the inmates are not permitted television or telephones, may not exercise with weights, and are allowed coffee on Sundays only. The work on the rock piles leads to frequent injuries. According to inmates, these are commonly ignored. According to the authorities, they are often feigned.

A group of men, most of them black, chained to each other like animals, being marched along dusty country roads to perform meaningless but painful labor: here is an inspiring vignette for the direction taken by the American criminal justice system. It is part and parcel of much broader policies endorsed by politicians of both parties in the name of “getting tough on crime,” and fits well with the accelerating use of the death penalty, the “three-strikes-and-you’re-out” legislation, the new ability of law-enforcement agencies to seize the property of individuals suspected of having ties with organized crime, and most recently (if the Clinton Administration has its way) new powers of these agencies to spy on the citizenry in fighting terrorism. The United States is the only Western democracy employing capital punishment (increasingly in a routine fashion). The United States has the arguably even greater distinction of having the second-largest number of people imprisoned, around one million. China has more in absolute numbers, but as a proportion of the total population, America is number one.

The prison population has been growing rapidly, in large part because of the utterly futile “war against drugs.” It is difficult to estimate the exact numbers here, since they consist not only of people imprisoned for possessing and selling drugs, but of people who committed other crimes to support their drug habits. The “three-strikes” policy has further accelerated the growth of the prison population.

In many institutions, especially in state systems, the overcrowding has meant for some time now that the inmates—or rather, the most vicious inmates—are effectively in charge. Many American prisons are infernos of violence and corruption over which the authorities have little or no control. A young man sentenced to one of these prisons faces the likely prospect of being raped and a reasonable prospect of becoming infected with AIDS. This too is an inspiring vignette of American criminal justice: a sentence of death for a crime like possession of cocaine or a third assault with a dangerous weapon (which in

Massachusetts includes kicking somebody with a "shod foot"). On "higher" levels of the prison system, America has now created maximum-security facilities in which inmates are almost completely isolated from human contact, constantly monitored electronically, and shackled during even the briefest trip outside their cells.

Criminal justice in America has for a long time been harsh as compared to its counterparts in Western Europe. Prison sentences have been much longer. Prison conditions have been more unpleasant (except for the Federal system). And the judicial process has been more arbitrary and more weighted against defendants unable to afford an expensive lawyer. There have also been the peculiarly American institutions of the grand jury (usually nothing more than an instrument of the prosecution) and of plea-bargaining (which again puts the greatest pressure on those who cannot afford a good defense). The current changes, however, constitute a large step toward what can only be called barbarism.

These changes are legitimated by two arguments: that, despite their severity, they are necessary to stem the rise in crime; and that they simply correct some of the damage done by soft-hearted liberals who coddled criminals at the expense of the victims of crime.

Both arguments have some merit. The United States does indeed have very high crime rates, probably the highest (accounting for differences in reporting and classification) among advanced industrial democracies. Criminologists are not in agreement as to the reasons for this. The size and cultural characteristics of the American underclass is almost certainly a major reason, as is the American propensity to engage in criminal prosecution of vices that are more tolerated elsewhere (notably, of course, the use of drugs).

The question, however, is whether savagery in the

penal process is likely to change this situation. Very probably it will not. A criminally inclined culture is deterred less by the threat of savage reprisals than the likelihood of being caught and convicted—and this likelihood depends on efficient police and courts.

Liberals do indeed bear a good deal of responsibility for undermining the efficiency of both. They have put unnecessary restraints on the police (for example, on the use of force), have been instrumental in making convictions more difficult because of legal technicalities (notably in the matter of admissible evidence), and have generally propagated an ideology of victimization that has encouraged criminals to disclaim personal responsibility because of this or that hurt in their past. The question is whether, to correct the ideological stupidities of mushy social workers, one must now embrace the philosophy of hangmen.

Ronald Jones, the Alabama Commissioner of State Prisons, said to the *Globe* reporter, "Tell those liberals that the party ended for them last November election." At least as far as crime is concerned, liberals (with President Clinton in the lead) have evidently concluded that this election adds urgency to the need of demonstrating that they are at least as tough as their conservative opponents. When it comes to fostering the barbarities of criminal justice in the United States today, there is little to choose between Republicans and Democrats (though, perhaps, a sizable constituency of the latter party might want to include "sexual harassment" in the list of capital offenses).

Conservatives should ask themselves whether they want their cause to be linked to the vision of an America in which chain gangs, soundproof isolation cells, and death houses are accepted as routine parts of the social scenery.

PETER L. BERGER is a member of the Editorial Board of *FIRST THINGS*.

The Western Mind of Radical Islam

Daniel Pipes

Fat'hi ash-Shiqaqi, a well-educated young Palestinian living in Damascus, recently boasted of his familiarity with European literature. He told an interviewer how he had read and enjoyed Shakespeare, Dostoyevsky, Chekhov, Sartre, and Eliot. He spoke of his particular passion for Sophocles' *Oedipus Rex*, a work he read ten times in English translation "and each time wept bitterly." Such acquaintance with world literature and such exquisite sensibility would not be of note except for two points—that Shiqaqi was, until his assassination in Malta a few weeks ago, an Islamist (or what is frequently called a "fundamentalist" Muslim) and that he headed Islamic Jihad, the arch-terrorist organization that has murdered dozens of Israelis over the last two years.

Shiqaqi's familiarity with things Western fits a common pattern. The brother of Eyad Ismail, one of the World Trade Center bombers recently extradited from Jordan, said of him, "He loved everything American from cowboy movies to hamburgers." His sister recalled his love of U.S. television and his saying, "I want to live in America forever." The family, she commented, "always considered him a son of America." His mother confirmed that "he loves the United States." Hasan at-Turabi, the effective ruler of Sudan, the man behind the notorious "ghost houses" and the brutal persecution of his country's large Christian minority, often flaunts his knowledge of the West, telling a French interviewer that most militant Islamic leaders, like himself, are "from the Christian, Western culture. We speak your languages." In a statement that sums up this whole outlook, an Islamist in Washington asserted, "I listen to Mozart; I read Shakespeare; I watch the Comedy Channel; and I also believe in the implementation of the Shari'a [Islamic sacred law]."

This pattern points to a paradox: the very intellectuals intent on marching the Muslim world back to

the seventh century also excel in Western ways and seem very much to appreciate at least some of them. How does this happen? What does it indicate about their present strengths and future course?

Islamist leaders tend to be well acquainted with the West, having lived there, learned its languages, and studied its cultures. Turabi of the Sudan has advanced degrees from the University of London and the Sorbonne; he also spent a summer in the United States, touring the country on a U.S. taxpayer-financed program for foreign student leaders. Abbasi Madani, a leader of Algeria's Islamic Salvation Front (FIS), received a doctorate in education from the University of London. His Tunisian counterpart, Rashid al-Ghannushi, spent a year in France and since 1993 makes his home in Great Britain. Necmettin Erbakan, Turkey's leading militant politician, studied in Germany. Mousa Mohamed Abu Marzook, the head of Hamas' political committee, has lived in the United States since 1980, has a doctorate in engineering from Louisiana State University, and has been classified as a permanent U.S. resident since 1990. Though for years he was able to elude law enforcement, Abu Marzook was recently arrested at a New York airport on his way into the country to register his son in an American school.

Indeed, the experience of living in the West often turns indifferent Muslims into Islamists. Discussing Mehdi Bazargan, an Iranian engineer who spent the years 1928-35 in France, Hamid Dabashi dissects the process many Muslim students undergo:

Beginning with the conscious or unconscious, articulated or mute, premise that they ought to remain firmly attached to their Islamic consciousness, they begin to admire "The Western" achievements. . . . They recognize a heightened state of ideological self-awareness on the part of "The West" that they identify as the source and

DANIEL PIPES is Editor of the Middle East Quarterly.

cause of its achievements. They then look back at their own society where such technological achievements were lacking, a fact they attribute, in turn, to the absence of that heightened state of ideological self-awareness.

The key notion here, the French analyst Olivier Roy explains, is the rather surprising idea that ideologies are "the key to the West's technical development." This assumption leads Islamists "to develop a modern political ideology based on Islam, which they see as the only way to come to terms with the modern world and the best means of confronting foreign imperialism."

Some of the leading figures fit this pattern. The Egyptian Sayyid Qutb went to the United States in 1948 as an admirer of things American, then "returned" to Islam during his two years resident there, becoming one of the most influential Islamist thinkers of our time. 'Ali Shari'ati of Iran lived five years in Paris, 1960-65; from this experience came the key ideas of the Islamic Revolution. In other cases, Islamist thinkers do not actually live in the West but absorb its ways at a distance by learning a Western language and immersing themselves in Western ideas, as did the Indo-Pakistani journalist, thinker, and politician Sayyid Abul A'la Mawdudi (1903-79). In other cases, reading Western works in translation does the trick. Morteza Motahhari, a leading acolyte of the Ayatollah Khomeini, made as thorough a study of Marxism as possible in the Persian language.

Many of Islamism's intellectual lights also share a background of technical accomplishment. Erbakan quickly rose to the top of the engineering profession in Turkey as a full professor at Istanbul Technical University, director at a factory producing diesel motors, and even head of the country's Chamber of Commerce. Layth Shubaylat, a Jordanian firebrand, is also president of the Jordanian Engineers Association. These men take special pride in being able to challenge the West in the area of its greatest strength.

Actual terrorists also tend to be science-oriented, though less accomplished. Ramzi Yusuf, the accused mastermind of the World Trade Center bombing, is an electronics engineer and explosives expert with an advanced degree from Great Britain; Nidal Ayyad was an up-and-coming chemical engineer at Allied Signal; and Eyad Ismail studied computers and engineering at Wichita State University. This same pattern holds in the Middle East: Salah 'Ali 'Uthman, one of three terrorists who attacked a bus in Jerusalem in July 1993, was a student of computer science at the University in Gaza. The most notorious anti-Zionist terrorist of recent years is Yahya Ayyash, nicknamed "The Engineer." Many Islamist Egyptians who engage in violence against the regime have science degrees. The Islamist leaders are not peasants living in the unchanging countryside but modern, thoroughly urbanized individuals, many of

them university graduates. Notwithstanding all their talk about recreating the society of the Prophet Muhammad, Islamists are modern individuals at the forefront of coping with modern life.

In contrast to this familiarity with Western ways, the Islamists are distant from their own culture. Turabi admitted to a French interviewer, "I know the history of France better than the history of Sudan; I love your culture, your painters, your musicians." Having found Islam on their own as adults, many Islamists are ignorant of their own history and traditions. Some of "the new generation," Martin Kramer notes, "are born-again Muslims, ill-acquainted with Islamic tradition." Tunisia's Minister of Religion Ali Chebbi goes further, saying that they "ignore the fundamental facts of Islam." Like Mawdudi, these autodidacts mix a bit of this and that, as Sayyed Vali Reza Nasr explains:

Mawdudi's formulation was by no means rooted in traditional Islam. He adopted modern ideas and values, mechanisms, procedures, and idioms, weaving them into an Islamic fabric. . . . He sought not to resurrect an atavistic order but to modernize the traditional conception of Islamic thought and life. His vision represented a clear break with Islamic tradition and a fundamentally new reading of Islam which took its cue from modern thought.

On reflection, this lack of knowledge should not be surprising. Islamists are individuals educated in modern ways who seek solutions to modern problems. The Prophet may inspire them, but they approach him through the filter of the late twentieth century. In the process, they unintentionally substitute Western ways for those of traditional Islam.

Traditional Islam—the immensely rewarding faith of nearly a billion adherents—developed a civilization that for over a millennium provided order to the lives of young and old, rich and poor, sophisticated and ignorant, Moroccan and Malaysian. Alienated from this tradition, Islamists seem willing to abandon it in a chimerical effort to return to the pure and simple ways of Muhammad. To connect spiritually to the first years of Islam, when the Prophet was alive and the faith was new, they seek to skip back thirteen centuries. The most mundane issues inspire them to recall the Prophet's times. Thus, an author portrays the "survival tactics" employed by Muslim students at American universities to retain their Islamic identity as "much like the early Muslims during the Hijra [Muhammad's exile from Mecca to Medina]."

Islamists see themselves, however, not as tradition-bound but as engaged in a highly novel enterprise. According to Iran's spiritual leader, 'Ali Hoseyni Khamene'i, "The Islamic system that the imam [Khomeini] created . . . has not existed in the course of history, except at the beginning [of Islam]." Ghan-

nushi similarly asserts that “Islam is ancient but the Islamist movement is recent.” In rejecting a whole millennium, the Islamists throw out a great deal of their own societies, from the great corpus of Qur’anic scholarship to the finely worked interpretations of law.

On the contrary, they admire efficient factories and armies. The Muslim world seems backward to them and they urgently seek its overhaul through the application of modern means. When this process goes slowly, they blame the West for withholding its technology. Thus, ‘Ali Akbar Mohtashemi, the Iranian arch-radical, plaintively bemoans that “the United States and the West will never give us the technology” to pursue what he quaintly calls “the science of industrialization.”

The Islamists’ goal turns out to be not a genuinely Islamic order but an Islamic-flavored version of Western reality. This is particularly apparent in four areas: religion, daily life, politics, and the law.

It’s certainly not their intent, but militant Muslims have introduced some distinctly Christian notions into their Islam. Traditional Islam was characterized by informal organizations. Virtually every major decision—establishing a canonical text of the Qur’an, excluding philosophical inquiry, or choosing which religious scholars to heed—was reached in an unstructured and consensual way. This has been the genius of the religion, and it meant that rulers who tried to control the religious institution usually failed.

Islamists, ignorant of this legacy, have set up church-like structures. The trend began in Saudi Arabia, where the authorities built a raft of new institutions. Already in 1979, Khalid Durán wrote about the emergence of a “priestly hierarchy with all its churchly paraphernalia”:

A number of religious functionaries have come into being whose posts were previously unheard of, for example: the Secretary of the Muslim World League, the Secretary General of the Islamic Conference, the Rector of the Islamic University in Medina, and so [on] and so forth. For the first time in history the imam of the Ka’ba has been sent on tour of foreign countries as if he were an Apostolic nuncio.

The Islamic Republic of Iran soon followed the Saudi model and went beyond it, Shahrough Akhavi explains, to institute a Catholic-style control of the clergy:

The centralization that has occurred in the religious institution in Iran is unprecedented, and actions have been taken that resemble patterns in the ecclesiastical church tradition familiar in the West. For example, in 1982, Khomeini

encouraged the “defrocking” and “excommunication” of his chief rival, Ayatollah Muhammad Kazim Shari’atmadari (d. 1986), although no machinery for this has ever existed in Islam. Other trends, such as centralized control over budgets, appointments to the professoriate, curricula in the seminaries, the creation of religious militias, monopolizing the representation of interests, and mounting a Kulturkampf in the realm of the arts, the family, and other social issues tell of the growing tendency to create an “Islamic episcopacy” in Iran.

Even more striking, Akhavi notes, is how Khomeini made himself pope:

Khomeini’s practice of issuing authoritative *fatwas*, obedience to which is made compulsory, comes close to endowing the top jurist with powers not dissimilar to those of the pope in the Catholic Church. After all, compliance with a particular cleric’s *fatwas* in the past had not been mandatory.

In creating this faux Christian hierarchy, Islamists invented something more Western than Islamic.

In similar fashion, Islamists have turned Friday into a Sabbath, something it had not previously been. Traditionally, Friday was a day of congregating for prayer, not a day of rest. Indeed, the whole idea of the Sabbath is alien to the vehemently monotheistic spirit of Islam, which deems the notion of God needing a day of rest falsely anthropomorphic. Instead, the Qur’an instructs Muslims to “leave off business” only while praying; once finished, they should “disperse through the land and seek God’s bounty”—in other words, engage in commerce. A day of rest so smacks of Jewish and Christian practice that some traditional Islamic authorities actually discouraged taking Friday off. In most places and times, Muslims did work on Fridays, interrupted only by the communal service.

In modern times, Muslim states imitated Europe and adopted a day of rest. The Ottoman Empire began closing government offices on Thursdays, a religiously neutral day, in 1829. Christian imperialists imposed Sunday as the weekly day of rest throughout their colonies, a practice many Muslim rulers adopted as well. Upon independence, virtually every Muslim government inherited the Sunday rest and maintained it. S. D. Goitein, the foremost scholar of this subject, notes that Muslim states did so “in response to the exigencies of modern life and in imitation of Western precedent.”

Recently, as the Sunday Sabbath came to be seen as too Western, Muslim rulers asserted their Islamic identities by instituting Friday as the day off. Little did they realize that, in so doing, they perpetuated a specifically Judeo-Christian custom. And as Fridays

have turned into a holiday (for family excursions, spectator sports, etc.), Muslims have imitated the Western weekend.

Perhaps the most striking Westernisms Islamists have introduced are associated with women. Islamists actually espouse an outlook more akin to Western-style feminism than anything in traditional Islam.

Traditional Muslim men certainly did not take pride in the freedom and independence of their women, but Islamists do. Ahmad al-Banna, the leader of Egypt's Muslim Brethren, adopts a feminist outlook that leads him to reinterpret Muslim history according to Western standards. "Muslim women have been free and independent for fifteen centuries. Why should we follow the example of Western women, so dependent on their husbands in material matters?"

Traditional Muslim men took pride in their women staying home; in well-to-do households, they almost never left its confines. Hasan at-Turabi has something quite different in mind: "Today in Sudan, women are in the army, in the police, in the ministries, everywhere, on the same footing as men." Turabi proudly speaks of the Islamic movement having helped "liberate women." Following the adage that "the best mosque for women is the inner part of the house," traditional women prayed at home, and female quarters in mosques were slighted; but Islamist women regularly attend public services and new mosques consequently allot far more space to women's sections.

For centuries, a woman's veil served primarily to help her retain her virtue; today, it serves the feminist goal of facilitating a career. Muslim women who wear "Islamic dress," writes a Western analyst,

are usually well educated, often in the most prestigious university faculties of medicine, engineering, and the sciences, and their dress signifies that although they pursue an education and career in the public sphere, they are religious, moral women. Whereas other women are frequently harassed in the public sphere, such women are honored and even feared. By the late 1980s, Islamic dress had become the norm for middle-class women who do not want to compromise their reputation by their public activities. Boutiques offer Parisian-style fashions adopted to Islamic modesty standards.

The establishment of an Islamic order in Iran has, ironically perhaps, opened many opportunities outside the house for pious women. They work in the labor force and famously serve in the military. A parliamentary leader boasts, not without reason, about Iran having the best feminist record in the Middle East, and points to the numbers of women in higher

education. In keeping with this spirit, one of Khomeini's granddaughters attended law school and then lived in London with her husband, a cardiac surgeon in training; another organizes women's sporting events.

If the veil once symbolized a woman's uncontrollable (and therefore destructive) sexuality, militants see it as the sign of her competence. Turabi declares, "I am for equality between the sexes," and explains: "A woman who is not veiled is not the equal of men. She is not looked on as one would look on a man. She is looked at to see if she is beautiful, if she is desirable. When she is veiled, she is considered a human being, not an object of pleasure, not an erotic image."

Curiously, some Islamists see the veil representing not careers and equality, but something quite different: positive sexuality. Shabbir Akhtar, a British writer, sees the veil serving "to create a truly erotic culture in which one dispenses with the need for the artificial excitement that pornography provides." Traditional Muslims, it hardly needs emphasizing, did not see veils as a substitute for pornography.

Traditional Islam emphasized man's relations with God while playing down his relations to the state. Law loomed very large, politics small. Over the centuries, pious Muslims avoided the government, which meant almost nothing to them but trouble (taxes, conscription, *corvée* labor). On the other hand, they made great efforts to live by the Shari'a.

Islamists, however, make politics the heart of their program. They see Islam less as the structure in which individuals make their lives and more as an ideology for running whole societies. Declaring "Islam is the solution," they hold with Khomeini of Iran that Islam "is rich with instructions for ruling a state, running an economy, establishing social links and relationships among the people, and instructions for running a family." For Islamists, Islam represents the path to power. As a very high Egyptian official observes, to them "Islam is not precepts or worship, but a system of government." Olivier Roy finds the inspiration to be far more mundane than spiritual: "For many of them, the return to religion has been brought about through their experience in politics, and not as a result of their religious belief."

Revealingly, militants compare Islam not to other religions but to other ideologies. "We are not socialist, we are not capitalist, we are Islamic," says Anwar Ibrahim of Malaysia. Egypt's Muslim Brethren assert they are neither socialists nor capitalists, but "Muslims." This comparison may seem overblown—socialism and capitalism are universal, militant Islam limited to Muslims—but it is not, for the militants purvey their ideology to non-Muslims too. In one striking instance, Khomeini in January 1989 sent a letter to Mikhail Gorbachev asserting the universality of Islam. Noting the collapse of Communist ideology, he implored the Soviet president not to turn

westward for a replacement but to Islam.

I strongly urge that in breaking down the walls of Marxist fantasies you do not fall into the prison of the West and the Great Satan. . . . I call upon you seriously to study and conduct research into Islam. . . . I openly announce that the Islamic Republic of Iran, as the greatest and most powerful base of the Islamic world, can easily help fill up the ideological vacuum of your system.

As interpreted by a leading Iranian official, this letter “intended to put an end to . . . views that we are only speaking about the world of Islam. We are speaking for the world.” It may even be the case—Khomeini only hints at this—that Islam for him had become so disembodied from faith that he foresaw a non-Muslim like Gorbachev adopting Islamic ways without becoming a Muslim.

Even as the militants pay homage to Islam’s sacred law, they turn it into a Western-style code, and three age-old characteristics of the Shari’a disappear: its elaboration by independent scholars, its precedence over state interests, and its application to persons rather than territories.

Through the centuries, jurists wrote and interpreted the Islamic law on their own, with little control by governments. These jurists early on established that they were answerable to God, not to the prince. Joseph Schacht, a leading scholar of this subject, explains: “The caliph, though otherwise the absolute chief of the community of Muslims, had not the right to legislate but only to make administrative regulations within the limits laid down by the sacred Law.” Rulers did try to dictate terms to jurists but failed—in the years 833-849, four successive caliphs imposed their understanding of the Qur’an’s nature (that it was created by God, as opposed to the religious scholars, who said it had always existed); despite energetic attempts by the caliphs (including the flogging of a very eminent religious authority), the effort failed, and with it the pretensions of politicians to define the contents of Islam.

The jurists retained full control of Islamic law until the nineteenth century, when the British, French, and other European rulers codified the Shari’a as a European-style body of state law. Independent Muslim states, such as the Ottoman Empire, followed the European lead and also codified the Shari’a. With independence, all the Muslim rulers maintained the European habit of keeping the law firmly under state control; by the 1960s, only in Saudi Arabia did it remain autonomous.

Starting in 1969, Mu’ammar al-Qadhafi of Libya started the new wave of expanding the Shar’i content of state laws (for example, in the criminal statutes). He did so as ruler, using the state apparatus

to compel jurists to carry out his orders. Islamists in many countries then emulated Qadhafi, giving the state authority over the Shari’a even as they extended its purview. They made no effort to revert to the jurists’ law of old, but continued practices begun by the European powers.

When Islamists do on rare occasions protest this state domination of the law, it carries little conviction. Turabi remarks that “Islamic government is not total because it is Islam that is a total way of life, and if you reduce it to government, then government would be omnipotent, and that is not Islam.” Turabi’s enormous power in the Sudan makes it hard to take this critique seriously. Islamists accept Western ways because, first, they know the imperial system far better than the traditional Muslim one, and so perpetuate its customs. Second, reverting to the traditional Muslim way would, Ann Mayer of the Wharton School points out, “entail that governments relinquish the power that they had gained over legal systems when European-style codified law was originally adopted.”

The state takeover of law invariably causes problems. In the traditional arrangement, the jurists jealously maintained their independence in interpreting the law. They insisted on God’s imperatives taking absolute priority over those of the ruler. Such acts as prayer, the fast of Ramadan, or the pilgrimage to Mecca, they insisted, must never be subjected to the whims of despots. Jurists got their way, for hardly a single king or president, not even so ardent a secularist as Turkey’s Kemal Atatürk, had the temerity to interfere with the Lord’s commandments.

But Ayatollah Khomeini did. In January 1988, he issued an edict flatly contravening this ancient Islamic assumption. In a remarkable but little-noted document, the ayatollah asserted that “the government is authorized unilaterally . . . to prevent any matter, be it spiritual or material, that poses a threat to its interests.” This means that, “for Islam, the requirements of government supersede every tenet, including even those of prayer, fasting, and pilgrimage to Mecca.” Subordinating these acts to *raison d’état* has the effect of diminishing the Shari’a beyond recognition.

Khomeini—a classically educated scholar, an authority on Islamic law, and an eminent religious figure—justified this edict on the grounds that the interests of the Islamic Republic were synonymous with the interests of Islam itself. But this hardly explains so radical and unprecedented a step. The real reason lies in the fact that, like countless other twentieth-century rulers, he sought control of his country’s spiritual life. Khomeini may have looked medieval but he was a man of his times, deeply affected by totalitarian ideas emanating from the West.

In traditional Islam (as in Judaism), laws apply to the individual, not (as in the West) to the territory. It matters not whether a Muslim lives here or there, in the homeland or in the diaspora; he must follow the

Shari'a. Conversely, a non-Muslim living in a Muslim country need not follow its directives. For example, a Muslim may not drink whiskey whether he lives in Tehran or Los Angeles; and a non-Muslim may imbibe in either place. This leads to complex situations whereby one set of rules applies to a Muslim thief who robs a Muslim, another to a Christian who robs a Christian, and so forth. The key is who you are, not where you are.

In contrast, European notions of law are premised on jurisdictions. Commit a crime in this town or state and you get one punishment, another in the next town over. Even highways have their own rules. What counts is where you are, not who you are.

Ignorant of the spirit underlying the Shari'a, Islamists enforce it along territorial not personal lines; Turabi declares that Islam "accepts territory as the basis of jurisdiction." As a result, national differences have emerged. The Libyan government lashes all adulterers. Pakistan lashes unmarried offenders and stones married ones. The Sudan imprisons some and hangs others. Iran has even more punishments, including head shaving and a year's banishment. In the hands of Islamists, the Shari'a becomes just a variant of Western, territorial law.

This new understanding most dramatically affects non-Muslims, whose millennium-old exclusion from the Shari'a is over; now they must live as virtual Muslims. 'Umar 'Abd ar-Rahman, the Egyptian sheikh in the American jail, is adamant on this subject: "It is very well known that no minority in any country has its own laws." 'Abd al-'Aziz ibn Baz, the Saudi religious leader, calls on non-Muslims to fast during Ramadan. In Iran, foreign women may not wear nail polish—on the grounds that it leaves them unclean for (Islamic) prayer. Entering the country, female visitors are provided with gasoline-soaked rags to clean

their varnished nails. An Islamist party in Malaysia wants to regulate how much time unrelated Chinese men and women may spend alone together.

This new interpretation of Islamic law creates enormous problems. Rather than for the most part leaving non-Muslims alone, as did traditional Islam, Islamism intrudes into their lives, fomenting enormous resentment and sometimes leading to violence. Palestinian Christians who raise pigs find their animals mysteriously poisoned. The million or two Christians living in the northern, predominantly Muslim, region of the Sudan must comply with virtually all the Shar'i regulations. In the southern Sudan, Islamic law prevails wherever the central government rules, although "certain" Shar'i provisions are not applied there; should the government conquer the whole South, all the provisions would probably go into effect, an expectation that does much to keep alive a forty-year civil war.

Despite themselves, the Islamists are Westernizers. Even in rejecting the West, they accept it. However reactionary in intent, Islamism imports not just modern but Western ideas and institutions. The Islamist dream of expunging the Western ways from Muslim life, in short, cannot succeed.

The resulting hybrid is more robust than it seems. Opponents of militant Islam often dismiss it as a regressive effort to avoid modern life and comfort themselves with the prediction that it is doomed to be left behind as modernization takes place. But this expectation seems mistaken; because it appeals most directly to Muslims contending with the challenges of modernity, Islamism's potential grows as do its numbers. Current trends suggest that it will remain a force for some time to come. □

Advent Visitation

Even from the cabin window I sensed the wind's
contagion begin to infect the rags of leaves.
Then the alders gilded to it, obeisant, the way

angels are said to bow, covering their faces with
their wings, not solemn, as we suppose, but
possessed of a sudden, surreptitious hilarity.

When the little satin wind arrived
I felt its slide through the cracked-open door,
(a wisp of prescience? a change in the weather?)

and after the small push of breath—You
entered with your air of radiant surprise;
I the astonished one.

These still December mornings
I fancy I live in a clear envelope of angels
like a cellophane womb. Or a soap bubble,

the colors drifting, curling. Outside
everything's tinted rose, grape, turquoise,
silver—the stones by the path, the skin of sun

on the pond ice, at night the aureola of
a pregnant moon, like me, iridescent,
almost full term with light.

Luci Shaw

Religion and the Court 1995

A Symposium

*The Supreme Court on June 29 handed down two decisions in cases involving religion. In *Rosenberger v. the Rector and Visitors of the University of Virginia* it reviewed a decision of the U.S. Court of Appeals for the Fourth Circuit which had held that though the University (a state entity) could fund student journals of opinion, the Establishment Clause of the Constitution forbade its funding a journal of opinion that advocated Christian religious views. That court admitted that this denial of funding burdened the freedom of speech of the students who published the religious journal, but said that enforcement of Establishment Clause requirements was a superior interest to be protected. The Supreme Court reversed the Court of Appeals, holding in a 5-4 vote that the University had violated the Constitution through "viewpoint discrimination" and that the funding did not violate the Establishment Clause.*

*In the second case, *Capitol Square Review and Advisory Board v. Pinette*, a state agency contended that the Establishment Clause would be violated by the Ku Klux Klan's placing a cross on a public square during the Christmas season. The Supreme Court, by a 7-2 vote, held that this did not violate the Establishment Clause and that to forbid the Klan to place the cross would violate its free speech rights. — The Editors*

Gerard V. Bradley

When the *New York Times*—the sergeant-at-arms of the "naked public square"—said that the Supreme Court "had blown a hole in the wall of separation," I knew the justices had done something right. From the turgid editorial I could tell only that aggrieved believers won in *Rosenberger* and *Pinette*, and that the *Times* was mad about it. Later, I read the full opinions, and discovered that angering the *Times* was *all* the justices had done right. It could have been worse; the believers might have lost. But a careful reading of the decisions makes clear that blowing "a hole in the wall" of separation—if that is even an apt description of the two cases—won't do. We need to raze the whole structure and lay a new foundation or, better, go back to that laid by the Founders.

In neither of these believers' "victories" was the plaintiff's religion an asset; *Rosenberger* and *Pinette* won *despite* their beliefs. Had they been, say, advocates of free trade or defenders of an endangered species, the evenhanded treatment they sought would have been granted by any bureaucrat or judge with an iota of constitutional knowledge. Only because of

the religious content of their advocacy were theirs interesting cases.

Rosenberger and *Pinette*, as the Court analyzed them, were basically free speech cases. The question in each was whether, notwithstanding the general constitutional principle that forbids government discrimination among viewpoints, how much worse does the Establishment Clause allow (or require) states to treat believers than nonbelievers? The question, put differently by Justice Scalia, is whether piety is on a par with pornography, whether (in my words) the Madonna is on a par with Madonna. A minority of the Court—Scalia, Thomas, Kennedy, and Rehnquist—answered in the affirmative. But none of the minority, judging just from these opinions, holds that piety must be treated *better* than pornography. None affirms the proposition asserted by, for example, *Dignitatus Humanae*, that public authority must foster and favor the religious life of the people—a precept given acute urgency by Pope John Paul II's teaching in *Veritatis Splendor* that secularism threatens the essential foundation of all social order. Anyway, that the Madonna is "above" Madonna was not on these justices' radar screens. And they are the good guys.

There is just one important development in these cases, and it is good news for the *Times*: Justice Breyer is a strict separationist. A solid majority of the Supreme Court, we know now, holds that the Constitution not only permits but sometimes requires that piety be treated worse than pornography. Breyer subscribes (with O'Connor, Ginsburg, Souter, and Stevens) to the so-called "endorsement" test for the compatibility of religion and public life. This Establishment Clause "test" has been around since the first nativity scene case in 1982. It seemed at times to command a bare majority of the Court, always including Harry Blackmun. With Blackmun's retirement last year, its ascendancy was in doubt. No more. The endorsement test is the master principle of all church/state jurisprudence. It is lethal stuff, indeed.

The endorsement test holds that public authority may do nothing that might be construed as a sign that religion is a good thing, that religion is a component of human flourishing in a way that something else (assertedly comparable, which the justices call "nonreligion" or "irreligion") is not. This neutrality is an instance of a broader neutrality about the good life that the justices, since around 1970, have brazenly but falsely proclaimed to be our constitutional ideal. The broad neutrality brought us abortion-on-demand and will, in all likelihood, soon christen assisted suicide and homosexual marriage as constitutional rights.

This is sobering enough. The narrower neutrality between religion and irreligion makes our jurisprudence of religious liberty incoherent. Just try to work out a coherent account or justification for *religious* liberty while denying yourself as a premise any positive evaluation of religion. And, if the Court really means to be "neutral"—to neither favor nor disfavor religion—how come the test is not the other way around: government may do nothing whatsoever that might be taken by some citizen(s) as a sign of hostility or disfavor to religion?

Of some additional note is Justice Souter's emergence as the intellectual leader of the "endorsement" crowd. Souter met the conservative justices on their preferred ground of polemical engagement: "original understanding," in this case of the Establishment Clause. Souter's historical mini-essay in *Rosenberger* aimed to show that the Establishment Clause, as understood in 1790, prohibited even completely impartial aid to religion. ("Impartial" means without preference between or among different religions.) If this "nonpreferential" reading were accepted, the bottom would fall out of the endorsement test, and we would all be a lot better off. And I am prepared to argue, as have Scalia, Thomas, and Rehnquist, that the sect-impartiality reading *is* the original understanding.

What was Souter's counterargument? Souter

served up in *Rosenberger* the same junk history that Justice Hugo Black served up in *Everson*, the first Establishment Clause case, back in 1947. The key move here is *not* to talk about the First Amendment at all, but to talk instead about something James Madison wrote in a Virginia political contest several years earlier.

Souter wrote that James Madison's "authority on questions about the meaning of the Establishment Clause is well settled." Settled by whom? By the Court. Souter cited only *Everson* and a footnote (in a 1973 case) that itself relied upon *Everson*. *Everson* never addressed the meaning of the Establishment Clause, save by *assertion* (now seconded by Souter) that Madison's "Memorial and Remonstrance," a petition he circulated in 1785 against a proposed tax for teachers of the Christian religion, meant the same thing the Establishment Clause would later be understood to mean. Souter *asserted* that the "Memorial and Remonstrance" played "the central role" in defeating the Virginia bill and "framed the debate upon which the Religion Clauses stand." Both claims were demonstrably false when first made in *Everson*, and no amount of judicial repetition can make them true.

In fact, less than one-fifth of all Virginians who signed petitions against the tax signed Madison's M & R. Many Virginians who favored government aid to religion voted against the bill, too. They could not afford the proposed assessment. (Even Justice Rutledge conceded in *Everson* that poverty was a contributing factor to the assessment's defeat.) Most generally, evangelical religion defeated the assessment, and neither evangelicals nor anybody else in Virginia opposed all aid and encouragement to religion, even if they opposed or could not afford *this* tax. Madison voted for a religious incorporation bill soon afterwards, even though (unlike the assessment plan) it preferred the Episcopal Church and did not purport to be sect-neutral. He explained the vote as a political sop, a "partial gratification" to disappointed supporters of the general assessment.

Still, we are invited to conclude that because Madison (and Jefferson) opposed the assessment, prominent Virginians generally opposed it. Let us count some notable heads to test that proposition. Add to the anti-assessment side of the ledger George and Wilson Nicholas, George Mason (who attended the Philadelphia Convention in 1787), and Andrew Moore, a member of the First Congress which proposed the Establishment Clause to the states for ratification. On the other—pro-assessment—side were George Washington, John Marshall, Patrick Henry (the most powerful politician in Virginia at the time), then-Governor Benjamin Harrison, Edward Pendleton, Edmund Randolph (Attorney General in the Washington Administration), John Page (a colleague of Madison's in the First Congress), John

Frances Mercer (another delegate to the 1787 Convention), and one of Virginia's first Senators, Richard Henry Lee. Clearly in agreement with the bill's principle because of their contemporaneous support of a different aid-to-religion bill were Virginia's other Senator, William Grayson, and future president James Monroe.

Senator Lee's approval, expressed in a letter to Madison early in the controversy, illustrates the pro-assessment rationale:

Refiners may weave as fine a web of reason as they please, but the experience of all times shows Religion to be the guardian of morals—and he must be a very inattentive observer in our Country, who does not see that avarice is accomplishing the destruction of religion, for want of a legal obligation to contribute something to its support. The declaration of rights [in the Virginia Constitution], it seems to me, rather contends against forcing modes of faith and forms of worship, than against compelling contribution for the support of religion in general.

Lee's distinction between state acts that affirm the truth of theological tenets or force acts of worship on people and those that mandate general support of religion is the indispensable core of any understanding of what the Founders were up to, and to any understanding of the constitutional tradition up to World War II. It is central, I would argue, to any sound approach to church-state questions in our day. The distinction is completely lost on the current Court, as is evident once again in the "victories" of *Rosenberger* and *Pinette*.

GERARD V. BRADLEY is Professor of Law at the University of Notre Dame.

Nathan Lewin

The Hasidim of Lubavitch were enjoined by their late Rebbe to teach the values of Jewish religious observance to Jews all over the world. In far-flung corners of the globe, emissaries of Lubavitch (also known as Chabad) establish synagogues, provide kosher food, teach Hebrew and Bible, encourage prayer and other religious practices, and erect large candelabra—menorahs—to commemorate the Jewish eight-day holiday of Hanukkah (which frequently coincides with Christmas).

When I was first asked to represent Lubavitch and defend the inclusion of its menorah in the "holiday display" erected by the City of Pittsburgh each December, the conventional wisdom was to play down the religious significance of the menorah. In a

lawsuit challenging the constitutionality of a menorah display in Los Angeles, Chabad's local lawyer had argued that the menorah was a secular symbol of freedom and an emblem of the secular State of Israel. There was testimony to the same effect in the trial record of the Pittsburgh case.

That was, however, a demeaning characterization of an object that is used for religious observance and that was displayed by Chabad's rabbis to convey the distinctly religious message that Jews should recognize, respect, and celebrate their own holiday even as Christians celebrate their holiday. So our brief in the Pittsburgh religious display case (*Allegheny County v. ACLU*, 1989) candidly described the menorah as a religious symbol. We argued that the minority's religious symbol could constitutionally be included in a municipal display because it was overshadowed by the Christmas tree that stood adjacent to it in Pittsburgh's "Season of Lights" exhibit on the stairs of its City Hall.

We won that case, with Justices Blackmun and O'Connor agreeing that the city did not endorse or otherwise establish Judaism as Pittsburgh's official city religion by permitting an eighteen-foot menorah to stand beside the forty-five-foot Christmas tree. But Pittsburgh had a surprise in store for Chabad. Its Roman Catholic mayor had died while the case was being litigated to the Supreme Court, and a Jewish mayor replaced him. The new administration announced that it would not permit a menorah on the steps of City Hall.

Chabad's litigation strategy shifted. Rather than defending the constitutional right of municipalities to permit the erection of menorahs, we were forced to fight government agencies that selectively *forbade* menorahs because they are religious symbols.

Here again, it was tempting to claim that menorahs are as secular as Christmas trees are said to be, or are no more religious than displays cheering local football and basketball teams. But Chabad made no such argument. Instead, we argued that private religious symbols cannot be denied access to a public forum.

Our first pass at this argument came in 1989—the same year that the Pittsburgh case was decided—when we won an order from Justice Brennan directing Pittsburgh to permit the menorah, literally minutes before Hanukkah was to begin. The City tried unsuccessfully during the holiday to have the full Supreme Court reverse Justice Brennan (*Chabad v. Pittsburgh*, 1989).

What constitutional provision confers on Chabad rabbis the right to teach Jews about Hanukkah by displaying a menorah in a public park? A visitor from Mars, unfamiliar with Supreme Court precedent but able to read the text of the Constitution, would think that the eleventh through sixteenth words of the First Amendment—language that tells government it may

not prohibit “the free exercise of religion”—would be relevant, and might even be dispositive. But there has been no indication from any Supreme Court majority, or even from the lower federal courts, that the Free Exercise Clause confers any preferred constitutional status on private religious expression or observance.

And so we moved on to the next six words of the First Amendment—the language that prohibits “abridging the freedom of speech.” A menorah display, we said, is speech—albeit religious speech—and a government agency may not select, on the basis of content, which private speech it will permit in a public forum generally accessible to the public. We then litigated and won the right to place menorahs, notwithstanding recalcitrant government agencies, in a downtown public square in Cincinnati and in the rotunda of the Georgia State Capitol in Atlanta.

The Ku Klux Klan seized on the Cincinnati menorah ruling and the permission given by Columbus, Ohio to Chabad to display a menorah and invoked them as grounds for erecting a cross on the public square. And on the last day of its 1994 Term, the Supreme Court gave organized religion a great victory by upholding the Klan’s constitutional right to display what it claimed was a religious message in a public forum.

That decision, along with the more contentious ruling in the *Rosenberger* case, vindicates Chabad’s litigation tactics. It arrives, far more tortuously than necessary, at the right result. But opinions in both rulings evince a fear of, and hostility towards, religion that still pervades federal judges’ evaluation of the rights of religious observers.

Religion won these two cases because it dressed up as speech. And speech has thus been given broader constitutional protection than the “free exercise of religion.” Justice Scalia’s opinion in the Klan case observed that the three justices who concurred separately in the result (as well as Justices Stevens and Ginsburg who dissented) “exiled private religious speech to a realm of less-protected expression heretofore inhabited only by sexually explicit displays and commercial speech.” This, he correctly noted, “would be merely bizarre, were religious speech simply *as* protected by the Constitution as other forms of private speech; but it is outright perverse when one considers that private religious expression receives *preferential* treatment under the Free Exercise Clause.”

The concurring and dissenting justices not only failed to give religion the constitutional respect it deserves, but they would allow it to be suppressed because of sheer error. A municipality that permits a private menorah or cross to be erected in a public forum that adjoins its city hall is not *actually* endorsing the Jewish or Christian religions. Justices O’Connor and Souter acknowledged that the danger they see under the Establishment Clause is, in

Souter’s words, that “an intelligent observer may *mistake* private unattended religious displays in a public forum for government speech endorsing religion.” Since when does a private person’s error regarding otherwise constitutionally protected conduct warrant suppression of what is constitutionally protected? May political speech be stifled because a “reasonable observer” could *mistakenly* think that it creates a clear and present danger of violence? Only religious speech is singled out to be silenced by popular error.

The victories of June 29, 1995 were welcome as first steps in dignifying, rather than debasing, religion. Religious speech, one now supposes, is no longer a First Amendment stepchild. A majority of the Supreme Court has decided that the nation need not fear private religious expression in the public square. It is ironic, however, that while Chabad refused to secularize its menorah and describe its display as merely secular speech in order to secure a litigation advantage, its recent courtroom triumphs have depended on religion’s constitutional equivalence to secular speech. A Supreme Court that says that the voice of Jacob may be heard but only because it cannot be distinguished from the voice of Esau has far to go before it achieves the respect for religion that the First Amendment commands.

NATHAN LEWIN is a member of the Washington, D.C. law firm of Miller, Cassidy, Larroca & Lewin.

William Bentley Ball

I had been pleased when I heard last November that the Supreme Court had granted review in the *Rosenberger* case. I thought that the Fourth Circuit had committed a baffling but ominous error in deciding that denial of aid to the students was at once unconstitutional (denying freedom of speech) and constitutionally required (by the Establishment Clause). The Establishment Clause ruling of the Fourth Circuit was, I believed, such a contrivance as to call for its dismissal by the High Court without laboring the point.

The Circuit’s free speech conclusion struck me as almost self-evident. After all, the University had found the sponsoring group for the evangelical journal *Wide Awake* to be eligible to participate in its program equally with all other eligible student groups publishing journals of opinion. Only when it turned out that *Wide Awake*’s opinions expressed religious advocacy did the University deny it funding. So now before the Supreme Court should have been an utterly unexceptional free speech case—a simple reaffirmation of the requirement that states avoid “viewpoint discrimination.” Inevitably then, Justices Stevens, Souter, Ginsburg, and Breyer (all of whom have often professed their unswerving loyalty

to freedom of expression) would join in a unanimous ruling upholding the students' rights.

While their surprising refusal to do so was based on their view of the Establishment Clause, their labyrinthine dissenting opinion (written by Justice Souter) surprisingly lurched into settled principles protecting free speech. Perhaps this was due to a desire to avoid the absurdity of the Fourth Circuit's notion that the Establishment Clause can trump the Freedom of Speech Clause. In their *Rosenberger* opinion, however, the dissenters went some distance in trumping it themselves.

It is remarkable that, in the course of seeking to dismiss the student sponsors' free speech claim, the Souter dissent omitted all reference to the University's finding of their eligibility. The Court's majority, by contrast, rightly considered it highly relevant that the sponsors had the proper status and that at no stage in the controversy had the University contended to the contrary. The finding put in sharp focus the critical point of the case—that it was solely the viewpoint of *Wide Awake* that moved the University to deny it the aid it extended to all other opinion journals. But more serious than the dissent's departure from the facts of the case was its departure from known and reasonable principles governing freedom of speech.

The dissenters' opinion centered on the fact that *Wide Awake's* advocacy of Christian religious views was a religious activity and that the University's refusal to fund religious activities applied across the board to Jewish, Muslim, and all other publications advocating religious views. That being so, no viewpoint discrimination was involved in denying funding to *Wide Awake*. Agreeing that denial of funding to an organ of opinion was a burden upon its freedom of expression, the dissenters' hair-raising thesis seemed to be: everybody's freedom of speech may be burdened or suppressed so long as that is accomplished evenhandedly.

A second aspect of the dissenters' opinion—its radical view of what government may allow in the field of opinion—is also disturbing. The dissenters appear to say that funding would be permissible for a publication that would “discuss issues in general from a religious viewpoint” but not for a publication “engaged in promoting or opposing religious conversion and religious observance as such.” It was thus religious *advocacy* that was the dissenters' problem.

But separating opinion into compartments of “general” opinion and “advocacy” opinion is not always easy; doing so when the result will be to permit or deny speech is dangerous. And if religious advocacy is a bar to funding, why should not advocacy in the field of race or sex be? Note that the dissenters here were opining, not on Establishment Clause principles, but solely on free speech princi-

ples. We reluctantly face the disconcerting conclusion that only bias on their part could have compelled their novel proscription of religious “advocacy.”

A third free speech problem posed by the dissent concerns what justifications government may have in burdening or limiting expression. While the main contention of the dissenters in this case was that the funding of *Wide Awake* would violate the Establishment Clause, their zeal to press that point caused their opinion to weigh free speech principles somewhat lightly in the balance. Seemingly far from their minds were old liberal watchwords about “freedom for the thought we hate” or Voltaire's grandiose offer to lay down his life for someone's right to express such thoughts. They did not even pause to say how the students' case might be distinguishable from cases in the long line of Court decisions that had held “the unfettered exchange of ideas” to be the essence of First Amendment concerns. In the dissenters' minds, allowing funding for that exchange would be destructive of a supreme societal interest in maintaining religion-state separation.

If now we are grateful that the dissenters mustered only four votes on the freedom of speech issue, we can be doubly grateful that the count was the same on the Establishment Clause issue—for on the latter issue we see at once the weakness of the dissenters' position and its strength. Its weakness is legal, in its failure to acknowledge the line of precedents—from the *Eversson* case in 1947 to the *Zobrest* case in 1993—which asserts that the Establishment Clause is not violated by religiously neutral governmental programs aiding a broad class of citizens, among whom may be religious groups or individuals. This fortunately still appears to be the view of at least five members of the Court, for it is immensely beneficial to the common good, sustaining freedom and militating against a harsh and arid official regime of secularism. The dissenters' insistent emphasis on Court decisions emanating from *Lemon v. Kurtzman* (1971), with its secularist thrust, is a patent weakness in their Establishment Clause position.

But there is an ominous strength in the dissenters' position. Four members of the Court, including three recent appointees, sedulously pursue the secularist approach and find their defense of it acclaimed by powerful media. The *New York Times'* attack on the majority's decision is all of a piece with its wide attack on what it called “A Court Running In the Wrong Direction” by a “lurch to the right” (in its recent voting rights and gun-free school zones decisions). Here, as with the dissenters in *Rosenberger*, the claim is made that five “conservative” members of the Court are outrageously disregarding precedent. What the *Times* failed to notice is that “precedents” (such as *Lemon*) were decisions based on the trashing of precedents.

The *Pinette* decision bears close parallels to *Rosenberger*. In each, government had opened up a forum for a broad spectrum of expression. Each involved religious expression, and in each, material governmental assistance would have supported that expression. In neither did government single out that expression for favorable treatment or endorsement. In each, government claimed that such support would violate the Establishment Clause and not violate freedom of speech.

Justice Scalia's opinion rejecting those claims casts a revealing light on the muddled Establishment Clause thinking that, until recently, has dominated the Court. Joining in the opinion were the Chief Justice and Justices Thomas and Kennedy. It was not the opinion of five justices—which is unfortunate since the opinion, if adopted by the Court, would have marked a significant advance for religious liberty. Scalia takes apart the notion that religious speech is a suspect category of expression. The position of the dissenters in *Rosenberger*, Scalia finds, "exiles private religious speech to a realm of less-protected expression heretofore inhabited only by sexually explicit displays and commercial speech."

Justice O'Connor voted that the cross display did not violate the Establishment Clause. But in her view, whether that clause is violated in a particular case depends on whether a "reasonable observer" will fairly interpret particular governmental activity as an endorsement of religion. A welcome part of the Scalia opinion takes this view to task as both dangerous and unworkable. When the recorded facts are, as in *Pinette*, that the challenged governmental activity is religiously neutral, how can the guessed-at views of the mythical "reasonable observer" possibly be relevant?

In neither *Rosenberger* nor *Pinette* did the religious parties argue that the governmental position violated their rights under the Constitution's Free Exercise Clause. Scalia's opinion shows the intimate alignment between free speech and free exercise rights, warning that "a free speech clause without religion would be Hamlet without the prince." *Rosenberger* and *Pinette* are milestone decisions on religious free speech.

WILLIAM BENTLEY BALL of the Harrisburg, Pa. law firm of Ball, Skelly, Murren & Connell has argued numerous religious freedom cases before the U.S. Supreme Court.

Dean M. Kelley

Both of the recent Supreme Court decisions were built upon the principal of *equal access for religion to a public forum*. The equal access principle is a long-settled feature of free speech law but of more

recent application to the religious wars. The Supreme Court in *Widmar v. Vincent* (1981) held that a state university that had created an open forum for student clubs could not bar a religious club from that forum. Congress extended that principle to public high schools in the Equal Access Act of 1984, and the Supreme Court accepted that Act and its application in *Westside Board of Education v. Mergens* (1990).

Now the court has announced in *Rosenberger* that a student periodical devoted to religion cannot be denied a share of a fund collected from all students and used to pay for the printing of other student publications. And in *Pinette* it said that a cross cannot be barred from the lawn in front of a state capitol where other symbols sponsored by private parties have been allowed. As a staunch supporter of the equal access principle, I am a bit surprised to find myself in disagreement with both of these decisions.

The plaint of the student publishers of *Wide Awake* at the University of Virginia was that, in a day when government subsidizes everything, to fail to be subsidized by government merely because one is religious is to be discouraged in the pursuit of one's religious interests. In effect, to fail to be subsidized is to be persecuted! That contention has been rejected by the Court in other contexts, where it has distinguished between a freedom and a right. The government must get out of the way of those who seek to exercise their freedoms, but that does not confer upon the exerciser the right to have government *finance* the exercise.

As Justice Souter pointed out in dissent, "The Court today, for the first time, approves direct funding of core religious activities by an arm of the State." That is not just equal access but equal advancement. In *Corporation of the Presiding Bishop v. Amos* (1987), the Court explained that Congress could allow churches to hire their own members in preference to others because "a law is not unconstitutional simply because it *allows* churches to advance religion, which is their very purpose. For a law to have forbidden 'effects,' . . . it must be fair to say that the *government itself* has advanced religion through its own activities and influence." But advancement seems to be what the University of Virginia is now required to do for the evangelistic student magazine *Wide Awake*. Justice O'Connor cautioned in *Amos* that "almost any government benefit to religion could be recharacterized as simply 'allowing' a religion to better advance itself."

Justice O'Connor wrote a concurring opinion in *Rosenberger* designed to limit its usefulness as a precedent for other forms of direct financial aid to religion, pointing out that the student publications are independent of the University and must include a disclaimer in every issue to that effect, that money from the Student Activity Fund goes not to the student publishers but directly to the printer, that *Wide Awake* is only one of a number of competing student

publications, and that the Fund is not revenue of the government but payments made by students, administered by students, and available only to students who have paid the fee.

The dissent rejected the majority's reasoning from the free speech analogy of speakers at a public park or street corner, pointing out that there are no public parks or street corners furnished with a printing press. The dissent quoted extensively from *Wide Awake* to show that it was not just a journal *about* religion or with a religious *viewpoint*—as the majority implied—but an actively proselytizing and homiletic journal, complete with prayers. Justice Souter ended his dissent by quoting Chief Justice Burger: “In constitutional adjudication some steps, which when taken were thought to approach ‘the verge,’ have become the platform for yet further steps. A certain momentum develops in constitutional theory and it can be a ‘downhill thrust’ easily set in motion but difficult to retard or stop.”

This is the “slippery slope” warning often uttered by dissenters when viewing with alarm the ominous prospects opened by a decision. Nevertheless, it does describe an all-too-common dynamic in the deliberations of the nation's highest court: the gradual shift of fashion and favor to what was once unthinkable. Some welcome such shifts by the Court, and some condemn them, but they happen, usually moving from firm but abstract “principles” toward messy but exigent applications. But they are not necessarily progress, and they do not provide much guidance to the lower courts.

The *Pinette* case evoked six separate opinions, showing a splintering among the justices over the equal access principle as applied to religious symbols in proximity to the seat of government. Seven justices agreed (in an opinion by Justice Scalia) that the state had not justified its refusal to permit the erection by the Ku Klux Klan of a cross in front of the statehouse, but a plurality of four would have gone further and announced that the Establishment Clause is never violated by religious expression that is (1) private and (2) occurs in a public forum, even if a reasonable observer might attribute state endorsement to such a display. Three justices bailed out of Justice Scalia's opinion at this point, and insisted that there were steps the state could and should have taken to avoid the appearance of endorsement, such as (1) banning all *unattended* symbolic displays, or (2) requiring them to bear a large disclaimer of state endorsement, or (3) confining them to a particular area under a permanent disclaimer of such endorsement.

Justice Stevens, in a lone dissent, expressed what I (who am not one of his fans) thought the most cogent opinion of the lot. He noted that the Klan wanted to put its cross on the statehouse lawn to counter a menorah placed there by a Jewish group, and that

these private sponsors wanted to get their symbols up there in front of the capitol building to attain some kind of cachet that would not be conferred by placement on private premises. He therefore would ban all displays of unattended religious symbols on government property in proximity to the seat of government.

All of the judges (except Justice Thomas) wrestled with the significance of a symbol's being “unattended” (a word used forty times in five opinions), and the majority observed that the state could ban all unattended symbols without violating the Free Speech Clause. Justice Stevens insisted that any unattended symbol standing on the statehouse lawn would naturally be assumed to represent the owner of the land on which it stood, an assumption not readily neutralized by any disclaimer less prominent than the symbol itself.

If one may be so bold as to critique the “public square” model in the pages of *FIRST THINGS*, it seems curious that the “public square” seems so often to be equated with the “government square.” In most communities, there are more than governmental premises around the square, all equally “public” in the sense of offering sites for symbolic expression. Why must contestants for the awareness of the community cluster so competitively around the governmental site unless they mistrust their ability to commend themselves to the attention of the public on their own merits? It is certainly an impoverished view of the pluralistic community to suppose that religion—one of the most powerful factors in human experience—is so feeble or resourceless that it must rely on governmental favor and fostering to survive or propagate itself.

Of course, this may be true only of the attenuated, acculturated strains of religion that most insistently press for leave to be seen more prominently in “public,” and if their wish be granted, it will not only increase their acculturation and thus dilute their possible effect, but subject them to the greater governmental surveillance, monitoring, direction, and control against which the Establishment Clause was meant in part to guard. However benignly government may stay its hand under a current regime, such restraint may well not be forever, and when a new Pharaoh succeeds who “knew not Joseph,” then government's expectations of its clients may become more importunate, not only having the force of law, but bearing the ultimate sanction of being able to cut their water off (after the beneficiaries have become dependent on it).

If you think that is no serious threat, give ear to the howls of outrage around the country at the prospect that the base-closing commission will cut the welfare flow of defense dollars to previously favored communities. Then imagine similar protests arising from religious clients who fear the loss of benefits to which

they have become accustomed, and the strictures of the Establishment Clause may seem more sagacious. Of course, this wisdom may not prevail, and we may have to learn again by sad experience that religion does not really benefit by government assistance, however well intended. It may be, however, an "experiment upon our liberties" not easily reversed.

DEAN M. KELLEY, who wrote *Waco: A Massacre and Its Aftermath* for the May issue of *FIRST THINGS*, is Counselor on Religious Liberty for the National Council of Churches.

Michael W. McConnell

As the lawyer for the winning side in the *Rosenberger* case, it would be churlish of me to criticize the Supreme Court for its decision. But the case should not have been so hard. That it produced a 5-4 split, with signs of weakness and uncertainty among the five justices in the majority, indicates that the long-festering confusion over religious liberty continues. The victory was important, but the timid and uncertain opinion for the Court—and even more timid and uncertain concurrence by Justice O'Connor—leaves us not much better off than we were before.

To see why the case should not have been perceived as so controversial or difficult, let me summarize a few principles of First Amendment law that were firmly established *before* this case. First, public universities may not refuse to fund otherwise eligible student activities because of their viewpoint or message, however controversial. This principle was established in cases involving campus gay rights groups, a black separatist newspaper, and antiwar protests urging violations of law.

Second, public universities must accord religious student groups equal access to university facilities. Even though free use of facilities is a valuable benefit, which advances the students' ability to convey their religious message, this does *not* violate the Establishment Clause, because it is simply neutral treatment.

Third, government subsidies, including such things as tax benefits, tuition payments, and in-kind benefits, may be used for religious activities whenever the "subsidy is conferred upon a wide array of non-sectarian groups as well as religious organizations in pursuit of some legitimate secular end." The author of these provisions was not conservatives Antonin Scalia or William Rehnquist. It was William J. Brennan, probably the most revered liberal on the modern Court. This means that subsidies may not be given to a group *because of its religious message*, but if the group qualifies for eligibility under the government's objective criteria, it need not be *excluded* because of its religious message.

With these principles firmly in place, there should have been little doubt that the University committed clear constitutional error when it denied *Wide Awake* equal access to printing subsidies it gave to other student publications. Religious speakers and religious viewpoints are entitled to the same free speech rights as other speakers.

This does not mean that religion should be subsidized by the state. It means only that all speakers should be treated neutrally, without regard to the religious or nonreligious orientation of their message. If it is wrong to tax non-Christian students for the support of a Christian-oriented magazine, then it is wrong to tax Christian students for support of a gay rights group. If it serves legitimate governmental interests to tax everyone to support a diversity of student groups, then let it be a full diversity, not a diversity confined to secular philosophies and ideologies.

Justice Kennedy's majority opinion made two important points. The first is his recognition that neutrality toward religion—not separation—is the central principle under the Establishment Clause. "The guarantee of neutrality," he wrote, "is respected, not offended, when the government, following neutral criteria and evenhanded policies, extends benefits to recipients whose ideologies and viewpoints, including religious ones, are broad and diverse."

Second was his recognition that religion constitutes a "viewpoint" for purposes of the free speech clause. To the dissenters, religion is apparently a separate category of speech, essentially unconnected to the affairs of the world. So long as the government treats the various religious groups (including atheists) equally, it can (must) exclude them all from the regular world of student journalism. To the majority, however, religion is not just a separate subject, but "a perspective, a standpoint from which a variety of subjects may be discussed and considered." In other words, religion is involved with the world. Christianity competes in the marketplace of ideas with secular ideologies just as it does with other faiths.

The majority opinion is nonetheless disappointing. It disregards old separatist precedents, but it does not overrule them. It does not explain why the precedents on which the dissent relies are hostile to religion and antithetical to the liberal purposes of the First Amendment, and it neither acknowledges the conflicts in past cases nor cuts through the underbrush of past errors. It provides no affirmative vision of the place of religious speech under the First Amendment, and it is written with little conviction.

Worse yet, the majority focuses on factual details that ought to be irrelevant to constitutional analysis. The Court stresses that the money is paid directly to the printer—but how does that have any bearing on the constitutional question? The Court notes that the

University did not claim that *Wide Awake* was a “religious organization”—but if it had, would the case have come out differently? The Court emphasizes that the money came out of the Student Activity Fund and not general tax revenues—but why are the principles of neutrality any different for taxes than for mandatory fees?

The function of these details is to create room for the justices to maneuver in future cases, and it shows a lack of confidence in the principle. More ominously, these points of detail can be used by recalcitrant administrators and lower courts to frustrate the important principles of constitutional right recognized in the case. If a public university doesn’t wish to comply with *Rosenberger*, can it make the (utterly meaningless and formalistic) change from cutting the check to the printer to cutting the check to the group? If a lower court disapproves of the principle of neutrality in a case involving a more typical government program, can it reach the opposite result because the case involves tax money rather than student activity fees? The only consequence of these unprincipled limitations is to breed uncertainty and litigation.

Worse yet is Justice O’Connor’s concurring opinion. Under her analysis, this case involved “two bedrock principles in conflict.” Rather than seeing this ostensible conflict as an indication that the Court needs to reexamine its contradictory jurisprudence, O’Connor announced that resolving it requires “the hard task of judging—sifting through the details and determining whether the challenged

program offends the Establishment Clause.” The problem with this case-by-case approach, however, is that it leaves universities, legislators, and lower courts guessing about what the rules are. Under Justice O’Connor’s approach, we cannot tell whether a particular program is constitutional without litigating it all the way to the Supreme Court.

Then there are the dissenters, with four votes for a vision of the Establishment Clause more extreme than anything espoused by Brennan and Marshall in their last decade on the Court. The dissenters do not bob and weave; they do not offer caveats and preserve room to maneuver; they are not concerned with sifting the details. To them, the Establishment Clause is a plain command that the state must exclude religious speakers, groups, and messages from public funding—no matter how neutral or broad-based the program may be. This is a chilling prospect. As government pervades more and more of our (formerly private) lives and activities—education, health, day care, student journalism—religious groups either must be excluded or must shed their distinctive religious character as the price of inclusion. Government thus becomes a relentless engine of secularization.

The dissenters’ interpretation of the First Amendment is stark, confident, and uncompromising. The majority is weak and vacillating. The case is won. But it does not inspire confidence for the future.

MICHAEL W. MCCONNELL is the William B. Graham Professor of Law at the University of Chicago.

At A Priest’s Grave

In Mem. Msgr. C. B. Woodrich

Bare trees under a requiem of clouds.
Snow. Over the ground a gaggle of geese
Hustles across an expanse of nothing—
They haven’t a prayer; not a kernel
Breaks through dirt; no hand scatters a repast.
The multitudinous graves of the good
Do not flare into flower. Sorrow
Lays itself down like an ancient Greek plot.

But the boy has brought balloons, a bounty
Of faith tied with blue ribbon. He scribbles
Love’s postscript in neon magic marker,
Then lets them go, robustly, to *Father*,
Launching them from this landscape of hunger
Into the starred theatre he calls heaven.

Victoria McCabe

Aquinas and the Heretics

Michael Novak

Some time ago, I wrote an essay claiming St. Thomas as the first Whig, one of the founders of “the party of liberty.” One antecedent to this claim comes in the essays of Lord Acton on the origins of the idea of liberty, and other antecedents in the political writings of Jacques Maritain, Thomas Gilby, and John Courtney Murray. Basic concepts analyzed by St. Thomas—concepts of the human person, conscience, liberty, the source of political power in the people, and the twin principles of the consent of the governed and the “mixed regime”—provided rich soil for the free institutions that were to arise much later in history.

To all this, however, there is one exception, although a very large one. Among serious thinkers in America who are hostile to Catholicism, Article 3 of Question 11 in the *Secunda Secundae* has probably been more frequently cited than any other paragraph in the entire collected works of St. Thomas Aquinas. The subject of this article is, *Are heretics to be tolerated?*, to which Aquinas replies, in brief, No. How on earth could Aquinas justify such a shocking judgment?

I

The answer Thomas gave did not, of course, shock his contemporaries. But that fact does not exonerate him. On the contrary, it reinforces the views of those who believe that Catholic teaching is inherently intolerant, by handing them evidence that the Catholic culture of the thirteenth century was narrow-minded, cold-blooded, and cruel.

Some background is in order. When Thomas Aquinas was thirteen or so, the Benedictine Monastery of Monte Cassino, where he was a board-

ing student and oblate, was put to fire and sword by cavalry of Frederick II, the proud and defiant German Emperor. Eleven monks were run through and burned to death. This was the monastery over which the Aquino family—and even the pope—had realistic hopes of making Thomas abbot. The young Thomas was sent home for a year, and later enrolled at the new University of Naples, where he encountered the newly founded Order of Preachers.

A few years later, Frederick II was excommunicated by the Council of Lyons, purportedly for the reign of massacre and terror that he had inflicted upon cities throughout Italy. Frederick was capable at a whim of ordering an entire city razed, its men butchered or sold into slavery, its women sent eastward to become slaves of his Saracen friends. Frederick considered himself duty-bound to protect and to extend the patrimony of his family, the Hohenstaufens. He was in almost constant conflict with the popes, mostly for territorial and worldly reasons, although his personal habits and deeds also made him vulnerable to censure on spiritual grounds. And yet his most recent biographer, David Abulafia (*Frederick II: A Medieval Emperor*, 1988), shows considerable evidence that Frederick—despite being condemned by some (and praised by others) for being the scourge of the papacy—wished to remain by his own lights an orthodox if rather eccentric Catholic. Frederick II remains an ambiguous figure who has haunted the German imagination even into our own century.

After Frederick's excommunication at Lyons, the two older brothers of Thomas Aquinas, who had served in Frederick's court for decades, joined in a rebellion against Frederick at Parma that eventually failed, but not without coming close to success. When the rebellion's leader, the elderly Baron San Severino, was finally captured, Frederick ordered the seventy-year-old's nose cut off, tongue cut out, and one leg hacked off, and then commanded that he be carted in rags from village to village, so that Italians

MICHAEL NOVAK holds the George Frederick Jewett Chair in Religion and Public Policy at the American Enterprise Institute.

could see for themselves the price of rebellion. San Severino was the father-in-law of St. Thomas' younger sister, Theodora. The two brothers of Aquinas, former courtiers of Frederick, were tortured, made to languish in prison for years, and at last executed.

Frederick II was held by many to be the Great Heretic of the epoch, who for nearly thirty years waged constant warfare throughout Italy, leaving a train of ruin, slaughter, humiliation, and misery. Just as St. Thomas was fortunate to know personally one king who was widely regarded as a saint, Louis IX of France, and at least two who were, on the whole, good kings, Edward Plantagenet of England and Charles of Anjou, so he knew through bloody experience a king who was—and rejoiced in being—an on-again, off-again foe of popes. When the term “heretic” was used, it was not for Thomas Aquinas or his contemporaries an abstraction.

Nevertheless, Frederick II was himself a foe of heresy. In his own legal code promulgated at Melfi in 1231, Frederick followed the legal precedents of the era, including those of the Fourth Lateran Council of 1215, in condemning heresy, sacrilege, treason, usury, and counterfeiting (in that order) as structural crimes against the state. Professor Abulafia, himself no admirer of the Church of Frederick's time, explains the rationale of the Melfi code:

Heresy, indeed, is presented as treason. Those who deny the articles of the Catholic faith implicitly deny the claims of rulers to derive their authority from God. They are enemies not merely of God and of the souls of individuals, but of the social fabric. Their questioning of religious truth involves a questioning of the monarch's command over the law; as enemies of the law, they are its legitimate targets, and the position of primacy accorded to legislation against heretics is thus entirely proper.

The growing preoccupation with heresy in the thirteenth century, as became apparent at the Lateran Council, seems to have been partly due to the scandals that accompanied the wealth and political power of the medieval papacy. The vivid contrast between the evangelical witness to poverty and charity and the grandiosity of the papal court stirred many popular passions. The constant warfare, heavy taxation, and depredations of battle that the poor were obliged to endure for generation after generation threw thousands into misery and discontent.

Meanwhile, the thinking of the ordinary people (as well as many of the learned) remained tinged with Platonism and Manicheism, as it had been for centuries. In a pre-Christian manner, people tended to believe that the essential conflict in the human soul is the battle between the flesh and the spirit. Sometimes they inflated this battle to such grand dimensions

that for them the world was divided between two cosmic forces, good and evil. From this it was a short step to declaring that everything connected with the human body is evil, and that in a “higher,” purely spiritual state of consciousness lay the only human good. Such views had been common in gnostic circles for centuries.

Corollaries to these notions were that embodied human beings are intrinsically evil and must undertake severe ascetical practices to “free” the soul from its carnal prison; that marriage and the getting of children is evil; and that the Catholic Church, with its bodily sacraments and its doctrines of “the resurrection of the flesh,” not to mention its rich and worldly ways, is a principle of evil. Holding such beliefs, a significant body of citizens in Northern Italy and Southern France “cut” themselves off (*sectare*) from the Catholic consensus, and began to form churches, even dioceses, of their own. These “sects” came to be called *Cathari* (the Pure Ones) or Albigensians, and came to be seen as radical threats not only to the moral and religious order but even to the political order of the time. Against them popes and kings launched local crusades, just as they had against the distant Saracen occupiers of the Holy Lands.

It is likely that the term “heretics” in the writings of St. Thomas referred to these sectarians most of all. Indeed, the founding of the Order of Preachers in Toulouse in Southern France immediately involved St. Dominic and his colleagues in preaching against the Cathari throughout the region. At a time when the doctrines of Joachim of Fiore (1135-1202) were rapidly spreading, the poor were especially vulnerable to the millenarianism of the Cathari, their attacks on the riches of the Church and the worldliness of kings, and their evocations of poverty and contempt for the body. By assuming themselves a life of evangelical poverty, combined with orthodox preaching about the goodness of creation and the human body, the Dominicans undercut the preaching of the Cathari. The Dominicans and the Franciscans sponsored the first crèches, which were becoming popular at this time, offering tender scenes of the birth of Jesus in the crib at Bethlehem. They wished to bring out the human, fleshly side of Christianity.

The Cathari, in effect, forced the Catholic community to distinguish itself far more sharply than before from Platonism and Manicheism. The body-affirming, incarnate side of Christian teaching, combined with a reawakening of the aspiration toward a life of evangelical poverty, came to vivid life in the preaching of St. Dominic and also of St. Francis of Assisi (1182-1226), notably in his hymns to the goodness of birds, animals, and all the earth.

At the same time, the philosophy of Aristotle was also beginning to reach the Christian world of the thirteenth century, correcting the philosophy of Plato on the place of the body, earth, empiricism,

time, and contingency in human life. The clarity of Aristotle, however, was clouded by the Platonic preferences of the Islamic commentators, especially Avicenna and Averroes, through whom the newly discovered texts of Aristotle—missing from the West for a millennium—were becoming known. In universities from Naples and Bologna to Paris and Oxford, secular masters opposed to the religious orders and to the constraints of the existing Christian order gladly embraced these Arabian glosses on Aristotle.

These glosses called into question the creation of the world in time, the role of the senses and the imagination in human knowing, the individuality (and personal responsibility) of the human intellect and will, the immortality of the human composite of body and soul, the role of divine Providence, the simple standard of one truth governing both theology and philosophy, and other foundations of both Catholic faith and empirical (as distinct from gnostic) reason. Among Scholastic philosophers themselves, Platonists and such Averroists as the brilliant Siger of Brabant championed these doctrines, sometimes in full recognition of the devastation they wrought in Christian teaching, sometimes blindly.

Thus, in the thirteenth century, within the bosom of Christianity and in the heart of the Christian universities themselves, the intellectual stakes were very high. Small mistakes in philosophy (concerning the role of the senses in cognition, for example) led inexorably to the denial of basic foundations of the Christian faith. In such heady, fertile, creative times, moreover, pride in one's own intellectual originality was an ever-present intoxicant. Truth was often intermixed with falsehood, good with evil. The art of discernment was a vital necessity, both in the arena of theory and in the arena of practice. The Catholic world felt in these new times an urgent need for a *sensus Christi*, a way of thinking in, through, and with the revelation of Jesus Christ, the *Logos* "through Whom and with Whom and in Whom were made all the things that are made."

This is the context within which St. Albert the Great discovered in his pupil Thomas a rare equanimity of spirit and a fearless intellect, and saw in this tall, large-framed lad, regarded by his fellow students as a speechless ox, "an ox whose bellows will be heard around the world." Aquinas took to the insights of Aristotle into the relations of body and spirit as a fish to water. He seized upon these (not least in his tractatus *Against the Averroists: On There Being Only One Intellect*) as a key for shedding crucial light on aspects of Christian doctrine much threatened by the Cathari, on the one hand, and by the Averroists, on the other.

Aquinas saw, of course, that Aristotle was not always right, and did not hesitate to correct him, to push his thought further (to original notions of the conscience and the will, for instance), and above all to build an entirely new context—that of the revela-

tion of love in Jesus Christ—for understanding even the things Aristotle got right. In brief, Albert the Great, the most learned man of his time, saw in his pupil the new master of the Christian inheritance to that time. That brief era itself had its own faults, and the Thomistic synthesis would itself contain damaging weaknesses.

II

Thomas begins Article 3 of Question 11 by citing three traditional texts. The first of these texts urges forbearance and gentleness; the second declares the necessity for factions in the Church in order that "those who are genuine among you may be recognized"; and the third cites the parable that the servant should suffer the tares to grow along with the wheat until the end of time. After repeating these traditional texts, St. Thomas turns sharply against the heretic. Let me quote him in full, because the text runs so directly against contemporary sensibilities and understandings.

With regard to heretics there are two points to be observed, one on their side, the other on the side of the Church. As for heretics their sin deserves banishment, not only from the Church by excommunication, but also from this world by death. To corrupt the faith, whereby the soul lives, is much graver than to counterfeit money, which supports temporal life. Since forgers and other malefactors are summarily condemned to death by the civil authorities, with much more reason may heretics as soon as they are convicted of heresy be not only excommunicated, but also justly be put to death.

But on the side of the Church is mercy which seeks the conversion of the wanderer, and She condemns him not at once, but after the first and second admonition, as the Apostle directs. Afterwards, however, if he is still stubborn, the Church takes care of the salvation of others by separating him from the Church through excommunication, and delivers him to the secular court to be removed from this world by death. The *Decretum* repeats Jerome's comment, *Cut off the decayed flesh, expel the mangy sheep from the fold, lest the whole house . . . the whole body, the whole flock burn, perish, rot, die. Arius was but a single spark in Alexandria, but as it was not at once put out, the whole world was laid waste by his flame.*

To read this text, we must clarify what Aquinas means by *heretic*. He does not mean a Muslim or a Jew, an unbeliever or an infidel. He means a Catholic who has chosen to deny his faith, in whole or in part. For Jews and Muslims, Aquinas argues for toleration, not only of their persons but also of their public rites.

It is true that from his viewpoint their faiths are incomplete and to that extent erroneous. It is also true that for Thomas toleration is a means for gaining respect for the true faith, rather than an end in itself, a duty simply owed to the conscience of others. But he does argue for toleration for Jews and Muslims in an emphatic way, as he does not for heretics. About the Jews, for example, he writes: "Among unbelievers there are some who have never received the faith, such as heathens and Jews. These are by no means to be compelled, for belief is voluntary." And about the religious rites of Jews and Muslims, he adds:

Thus from the fact that the Jews keep their ceremonies, which once foreshadowed the truth of the faith we now hold, there follows this good, that our very enemies bear witness to our faith, and that what we believe is set forth as in a figure. The rites of other infidels, which bear no truth or profit, are not to be tolerated in the same way, except perhaps to avoid some evil, for instance the scandal or disturbance that might result, or the hindrance to the salvation of those who, were they unmolested, might gradually be converted to the faith.

Similarly, Aquinas shows a great deal more respect for unbelievers, such as his beloved Aristotle, who knew nothing whatever about Christ and His revelation than he does for heretics. He admires in unbelievers how much of the truth about man revealed by Christ they had come to simply by studying the laws of their own being. (For Aquinas, it is inconceivable that there are two truths, one learned from the things that are, the other learned from faith. For him, the one God, the Creator, is the sole source of truth.) For that he respects them, acknowledging that by fidelity to truth they served the God they did not know, and so are dear to God.

The student of Aquinas already familiar with his teachings on individual personal responsibility, conscience, and the role of reason and will in free choice is likely to be surprised by his unremitting hostility to heretics. In a typical passage, Thomas wrote:

Every judgment of conscience, be it right or wrong, be it about things evil in themselves or morally indifferent, is obligatory, in such wise that he who acts against his conscience always sins.

Or again, this passage from the *Summa Theologica*:

Since conscience is the dictate of reason, the application of theory to practice, the inquiry, *whether a will that disobeys an erroneous conscience is right*, is the same as, *whether a man is obliged to follow a mistaken conscience*. Now

because the object of a volition is that which is proposed by the reason, if the will chooses to do what the reason considers to be wrong, then the will goes out to it in the guise of evil. Therefore it must be said flatly that the will which disobeys the reason, whether true or mistaken, is always in the wrong.

Given such teachings as these, why could not Thomas respect the conscience of heretics?

By heretic, again, Aquinas meant a person of Catholic faith who deliberately and resolutely, even after having been called to reflect on the matter, has *chosen* to renounce that faith in some important particular. Aquinas points out that the word *heresy* comes from the Greek word for *choice*. Heresy for him is not a mistake of the intellect but a choice of the will. It is a choice of adherence to a proposition, or set of propositions, known by the chooser to contradict the Catholic faith. It is a choice to cut oneself off from communion in the Catholic faith, to put oneself in a *sect*—a thing cut off. It is right, insists Aquinas, that such choice be dealt with harshly.

But what about the thousands throughout France and Italy and Spain falsely accused of heresy, or wrongly caught up in the machinery of heresy-hunting? Cloistered Aquinas might be, but he could hardly have helped knowing at least a little about the role that some Dominicans of his day were playing in the inquisition of heretics.

In the thirteenth century, all sorts of cruelties were common. The popes themselves committed ten of nineteen descendants of Frederick II to prison, one of his daughters for forty-eight years, and saw to the deaths of others in battle or capture. When Frederick II's chief advisor, Taddeo da Suessy, was taken prisoner at Parma, his hands were immediately cut off by those loyal to the pope and he was thrown into a dungeon. For suspicion of stealing from him, Frederick seized his other chief advisor, the poet della Vigna (later celebrated by Dante), had his eyes burned out, and threw him into a dungeon. There the poet killed himself by pounding his head against the damp stone walls. In southern France, men and women alike were accused of being heretics, given no way to defend themselves except by enduring torture, and if found guilty covered with pitch and set aflame. Swords aloft, soldiers were set free upon entire settlements of heretics, which they torched. During the lifetime of Aquinas, all of Provence was swept by violence against heretics—some of whom were living, according to their own lights, admirable evangelical lives.

Yet the cold words of Aquinas stand there, approving of the use of the secular arm, describing heresy as a pestilence to be blotted out, diseased cells to be cut away. And Aquinas concludes with the terrible ruthlessness of the words of St. Jerome: Arius and the sons of Arius should be extinguished before their conta-

gion spreads. How could the medievals—even such defenders of conscience as Aquinas—think this way? Before we judge them (by our modern lights) guilty of “heresy,” we should at least try to understand why their reasoning seemed to them persuasive.

As we have seen in the case of Frederick II, the reasons that kings and emperors, even those at war with the papacy, listed heresy first among the crimes against the state were several and profound. For one thing, kings claimed power from God according to the Christian faith and, often enough, especially in that age of exaggerated papal claims to universal worldly power, their power was tangibly and visibly legitimated directly through coronation by the pope of Rome. Heresy directly undercut kingly power.

For another thing, thirteenth-century societies were highly fragile. Beyond ties of kinship, many citizens experienced little to bind them to others. Most were subjects of a few—and one ruling aristocrat was often overturned by another. Sharing in the local horizons of small cities or villages might bond people in intimate memories, and participating in guilds or trades might offer some association outside of family or neighborhood life. But geographical isolation was often intense, and shifting patterns of warfare, baronial allegiance, and foreign occupation awakened acute local insecurity. Under political anarchy, the common people and the poor suffered much. Under all these uncertainties, the chief consensual bond among people was Catholic faith and Catholic ritual. Virtually all unifying conceptions of relationship and social weight, meaning and order, came from that faith.

Neither the rich nor the nobility (increasingly, as trade and commerce grew, these were not necessarily the same) could trust one another. Barons and counts were obliged to protect themselves against each other by dwelling within heavily armed fortresses. (Even the Aquino family had three castles, with knights sufficient to defend them; the novelist Louis de Wohl imagines that the Aquinos could bring one hundred knights to the service of the Emperor.) An immediate and common form of justice was the vendetta. The politics even of princes was first and chiefly about naked power, and princes were thrown back upon shifting alliances based upon self-interest. The struggle to build national, let alone international, systems of justice, reason, and legality was still in its infancy.

On the other hand, in the no-man’s-land between warring barons and ordinary people, lay confraternities were beginning to spring up to fill the looming social vacuum by undertaking needed civic projects. A new class of lay professionals led by trailblazers such as Albertanus of Brescia was setting the foundations of a civic order. But the emergence of a true civil society lay far in the future. In the thirteenth century, there still seemed to be something like the war of all against all. Emperors, kings, barons, counts, and even bishops and popes seemed to be in

perpetual strife with one another.

The time was not yet ripe for the impulses of modernity, or even for the reformation of the Church. The precariousness of life, under threat from famine and plague as well as from war, was signalled in the apocalyptic feelings and expressions of the time. The still greater precariousness of civilization, now barely emerging from centuries of illiterate tribal barbarism, was widely felt. Monastery schools and libraries, professional schools and universities, were still relatively new institutions frequented only by a few.

This was the context within which, no matter how horrendous the measures being practiced to keep it in check, heresy was perceived as the primal threat to social order, both by ecclesiastics and by secular rulers. What Thomas Aquinas argued against heretics had already been codified in both civil and ecclesiastical law for at least two generations. One might have hoped that many of Thomas’ own principles about the human person, liberty, conscience, and the indispensable freedom of faith would have led him to oppose the widespread legal consensus. Perhaps, though, an even greater moral and civil anarchy would have resulted than people were then already experiencing. Perhaps their sense of precariousness was already stretched beyond human tolerance.

Narrow and constricted as it was, the order supplied to the European peoples by primitive Christendom, that premature construction of a supposed City of God on earth, may have seemed better than the chaos of a war of all against all. Bad as it was, an enforced consensus in the faith, at least among those who had once accepted it, seemed to most at the time better than the alternative.

It would not always be so. The Protestant Reformation was looming only two centuries ahead. But by then civic institutions, commerce, prosperity, literacy, and many other fundamentals of a new order would be much farther advanced.

III

It is easy to see how many Christians of patristic and medieval times could have thought that the City of God imagined by St. Augustine required a system in which cult would be the center of culture. It is not even too hard to understand how the primacy of the spiritual power revealed by Jesus Christ, by comparison with the secular power, might be thought to require official, public recognition of the primacy of the Church. From that, it would be a small step to the claims of Innocent III that the secular power was subordinate to the spiritual power, so that the pope deserved primacy over all merely secular powers. The logic of how such ideas developed is clear.

But the unintended consequences of such conceptions were many—and often damaging to Church

and society alike. Perhaps, as we have noted, it was necessary and even useful in the actual flow of history for the Church, and especially the papacy, to step into the vacuum left by the collapse of the Roman Empire in Europe and the Middle East. In any case, that is what happened. Unless it had happened, it is hard to see what other institution would have inspired and actually accomplished the building of the libraries, universities, and schools that sponsored the study of the great treasures of Greece and Rome and the new discoveries of later centuries. Apart from the guardianship of the Church over many centuries, it is hard to see whence would have derived the resources that later gave rise to modern science, the Renaissance, and the Enlightenment. The fundamental conceptions of progress, truth, compassion, the dignity of the individual, and the centrality of personal liberty on which modern progress rests are rooted in Jewish and Christian beliefs about human nature and destiny.

Nonetheless, the costs of the Church's trusteeship were high. In placing the guardianship of the consensual ideals of worldly civilization in the hands of the Christian Church, the Christian West wound up violating consciences and putting heretics to death in abominable ways. However divinely protected the human institutions of the Church may be, they are bound to be weighed down in daily practice by human frailty and sin. And protests against frailty and sin—against corruptions and abuses—can conveniently be interpreted as heresy. Once the integrity of the social fabric had been made to rest on key Christian beliefs (and the power of legitimate rulers on ecclesiastical approbation), criticisms of Christian practice that spilled over into criticism of underlying interpretations of the gospels were easily taken as acts of treason against the state.

In short, by allowing Christian faith to be the consensual foundation of the political and social order, as it were the *form* of political life, Christendom confounded the things of Caesar with the things of God. In modern times, such a vision, at least in analogous if not precisely the same form, has been called "integrism." Integrism is a premature uniting of the institutions of faith and the institutions of the state. (I do not say the institutions of *church* and state, but those of *faith* and state, since the latter is an even more profound temptation than the former.)

The Christendom of the thirteenth century understood itself as having as its foundational form the integrity of Christian faith. For this reason, it was bound to reject heresy as treason to the state. The

state could tolerate those who did not pretend to be Christian, for Christian teachings themselves commended such toleration (and actually more than that, a genuine respect for good-faith differences of conscience). What it could not tolerate was those of *counterfeit* faith, those who said they were Christians while choosing to deny important aspects of Christian faith. For the likelihood of many persons at once launching diverse interpretations of the gospels and organizing themselves in rival organizations, and thus undermining the foundations of the monistic state, was extremely high, as Europe was to experience in centuries after the thirteenth.

At the close of the twentieth century, it cannot be said that we have yet solved the problem of the proper relation between the Christian faith and the state. (The Jewish state of Israel and the Muslim states have not solved this problem either, nor have the forces of secular humanism proven any more adept at addressing the moral and cultural crisis of modern societies.) As the great French social philosopher Pierre Manent has pointed out, the modern secular nation state is itself in a crisis of transition; and the Catholic Church, having made its peace with and given its support to democratic experiments, is necessarily concerned with a corrosive "privatizing" and relativizing of conscience.

It is obvious that the interests of Thomas Aquinas were metaphysical and theological rather than social or political. His treatment of questions regarding the former sparkle with originality; his treatments of the latter are, for the most part, perfunctory. But for those of us who work in political and social philosophy (and theology), a great question remains: What is the proper relation of Christian faith to the open society? A relation that entails the persecution of heretics is clearly repugnant to Christian faith. The special circumstances of the thirteenth century remain a vivid case study in what *not* to do. But if the profession of Christian faith is not to be constitutionally required, as certainly it should not be, just how can Christian faith escape from being merely privatized and relativized? And how can open societies themselves be saved from giving a posthumous victory to such relativists as Hitler and Mussolini, who began by stating that nothing in politics is right or wrong, that only power matters?

Such problems have not received resolution in our own time. Perhaps they can never be resolved with finality, but solely by trial and error, and on an always tentative basis. FT

Habermas on the Upper West Side

Elizabeth Powers

Material bounty, particularly in the service of the person, the palate, and the household, is a striking feature of the Upper West Side of New York, a section stretching northward from 72nd Street and bounded on the east and west by Central Park and the Hudson River. I have been a resident there since arriving in New York more than a dozen years ago. In the first years I lived in the maid's room of a very large apartment near Riverside Park and did office temp work several days a week to feed and clothe myself while writing my first novel. Back then there were two panhandlers in the neighborhood, both white females, and I would frequently compare the precariousness of my own life with that of the two women hanging out at the corner of 86th and Broadway and cadging change from passers-by.

Back then a much-smaller Zabar's was in its familiar location, but mostly Broadway was full of the kinds of stores you still see in Queens but that were also a feature of the face of American towns in the 1950s, including the town in which I grew up. A sign of the future of the Upper West Side were two singles bars and the growing number of well-heeled white folks who had moved into the large apartment buildings on and off Broadway. The changes at Zabar's since then exemplify the material permutations the Upper West Side has undergone, and another sign is that the two singles bars eventually turned into family restaurants. A handful of men of fifty-plus can be seen late at night at the one remaining; in the way of single men who have missed out on marriage or stable relationships, you can hear them retelling stories that were current twenty years ago. But it is the number of panhandlers who now make the Upper West Side their stomping ground that is a better sign of the culture of commerce that has mushroomed to cater to the affluent Manhattanites who have in the

meantime raised families in the large apartments.

The Upper West Side is nothing short of a bazaar, with one shop after another not only selling things from everywhere but also manned by an assortment of ethnic types that can otherwise be encountered in places like Singapore or Bombay. Even at the Korean greengrocer I patronize, there are regularly three kinds of plums, four or five of oranges, three of tomatoes (New Jersey, Israeli, and "other"), fifteen kinds of cheeses, endives, marzipan, tortellini, two or three varieties of brownies, and Japanese party snacks. In the crowded windows at Zabar's are frozen yogurt makers, automatic bread makers, a Neapolitan stainless steel stove-top espresso maker, and nine brands of ice-cream makers (from Germany, Italy, and the U.S.A.). I have seen mothers and fathers, kids in tow, shelling out hundreds of dollars for smoked salmon, caviar, Italian olive oils, French cheeses, coffee beans, coffee makers, pasta makers, and water purifiers at that famous deli. I imagine these families live in apartments with lots of light and large rooms with bookshelves to the ceiling and doormen in the lobby who accept packages, dry cleaning, and other deliveries while the adults are at work. The children who grow up in these apartments go to private schools, and when they come home they find in the refrigerator cheeses and jams with foreign names on the labels. Their parents are people with professional degrees and salaries to match and can afford the groceries at Zabar's, the private schools for the kids, and full-time help for the preschoolers.

These are people whose views on the topics that excite current debate (insofar as there is a debate on these topics) stand to the left of people who don't know the difference between brie and Camembert. In the last election, this congressional district voted 81 percent for the Democrats. During the primary election in September, a *New York Post* editorial characterized the congressional race as "campaigning in

ELIZABETH POWERS is a writer living in New York City. She is working on a collection of spiritual autobiographies.

the twilight zone”: the incumbent and his challenger were fighting it out over who was more progressive on the issues of gay marriage and opposition to the death penalty. These voters are people who recognize and care about the difference between the *New Republic*, the *Nation*, and *National Review*, and who have read Noam Chomsky’s books on American imperialism if not those on linguistics.

As a Southerner and a Catholic, I am something of an outsider in this neighborhood. Since I am a writer and an academic, however, I often felt myself an outsider in the milieu in which I was raised. Thus, when I first moved to the Upper West Side, I felt I had arrived home, the home I always wanted, where there was a literary bookstore you could go to at 11:00 P.M. and find books that were reviewed in newspapers. Since the only cheeses I knew as a child were Velveeta and Swiss, and since my parents poured Carnation milk into their coffee, the shops with their enormous food offerings were a culinary variant of the literary bookstore.

Another thing that pleased me when I arrived was that people on the Upper West Side talked a lot, in full sentences. The authority with which they expressed their opinions had some connection with the *New York Times* tucked in their briefcases, which at that time seemed to me the most important newspaper in the world. During my tenure on the Upper West Side the possibilities for bookstores and food have multiplied, while my infatuation with the tendency of New Yorkers and Upper West Siders to opine on any subject with certitude has lessened.

I have become intrigued, however, by the conjunction of a high material standard of living with liberal opinion, especially the way in which the possession of the former protects the holder of the latter from its outcomes. To put the matter in terms that most people recognize: a breach characterizes the behavior of liberals (for that is how I will refer to my neighbors from here on out), a breach between preaching and practice. This breach, however, is accompanied by an anomaly. It is not simply the case, say, that liberals favor the rainbow curriculum for other people’s children while sending their own children to private schools where they will be protected from trendy social ideas while learning the basics. Liberals, after all, pay taxes too, a lot of taxes if I am correct about the combination of material affluence and liberal views—while paying exorbitant sums for private school tuition. Clearly liberals do not have faith in the public institutions they espouse. I have come to conclude that liberals have a very aberrant view of the way the world works, one that stands sharply at variance with the experience of generations of mankind. And I have also come to conclude that it is their material affluence that has produced this aberrant view.

It is a cliché that liberals have bleeding hearts, that they care, that they are compassionate, that they feel other people’s pain. Yet such compassion rests on

being able to afford distance from pain, as I witnessed two years ago, when the city was making noises about moving homeless families into one of the few remaining rental buildings on 86th Street between West End Avenue and Riverside Drive. My neighbors, seeing their property values threatened, struggled not to appear crass and materialistic. Gathering in the hundreds on 86th Street around a specially erected podium, with TV news cameras turning, they listened to their leaders speak of their compassion, as if it were something that could be subdivided like the shares of a condominium corporation. They didn’t speak of their way of life being threatened or of, say, the value of safe streets or the right of elderly people to sit on a public bench without being harassed by panhandlers. Instead, “We have done enough!” was often reiterated, along with “We have done our part.” The subtext was, “We have been good people.” What they have really done for two decades, I thought to myself, was not to practice compassion at all, but to allow socially aberrant behavior to take over the streets of their neighborhood while waxing sanctimonious about working people who were intolerant because they did not want to share their neighborhoods with homeless shelters and drug rehabilitation clinics. Now, their tolerance was being tested where it really counted, in their own yards.

The supposed toleration for diverse “life styles” explains a lot about the way the Upper West Side looks. The Upper East Side is also a center of affluence and commerce, but one in which bourgeois decorum reigns. The Upper West Side, by contrast, has a strong infusion of the abject and weird that is more likely encountered in places like Surabaya and Bangkok. A not unusual sight at the corner of 86th and Broadway on a weekend afternoon is a thin woman in her forties with short-cropped hair. She chain-smokes Marlboros but otherwise looks like many other residents of the Upper West Side, except that she is ranting and raving about pornography, masturbation, and other sexual practices: “Women are being killed by men’s fantasies! What are you going to do about it?” she screams. She holds aloft a poster on which are affixed pictures from magazines, much like schoolchildren prepare for classes with pictures from *Good Housekeeping* to illustrate, say, nutrition groups. On her poster, however, are pictures from *Hustler* or worse, showing women, for instance, being fed into a meat grinder. Children walk by, while teenagers stream in and out of the Gap on the corner.

When I see these children I think of my own childhood in Louisville in the 1950s. Liberals probably consider that childhood benighted because, they would maintain, I wasn’t made sensitive from an early age to what is euphemistically called “other points of view.” If a woman had carried on in

Louisville like the woman on Broadway, after all, she would have been hustled away quickly. People would not have walked by ignoring her. In my lower-middle-class neighborhood, there were no panhandlers, no derelicts sleeping on church steps or rifling through your garbage, no prostitutes on street corners on Saturday nights, no crack vials in the gutters. At the same time, there were no foreign cheeses in the refrigerator, no doormen, and no take-out food. You ate at home with your parents, whether you liked it or not.

My parents, aspiring to bourgeois habits of life, were living on the margin themselves and wished to stay within it. It was important to them to live in a neighborhood in which, if their children didn't learn socially acceptable behavior, at least it didn't discourage it. Had they been so fortunate as to have been able to afford to buy a house, a city-sponsored homeless shelter across the street would have been a catastrophe not merely of a material sort but also of the metaphysical order: the structure of the world that they supported by their taxes and hard work (both my parents worked) would have been violated by the very government that was supposed to have upheld this order. They could not afford irony, and thus toleration was not a word that often entered their vocabulary.

A mixture of abject human conditions and affluence has existed throughout history. No one would have remarked on this mixture in ancient Rome. It is noteworthy on the Upper West Side because of the number of people living there who believe, despite evidence on their very sidewalks to the contrary, that well-funded government programs will get to the root of such human suffering and extirpate it ("War on Poverty"). At the same time, so much of the visible poverty is a result of aberrant individual behavior and social practice that represent glaring deviations from rational self-control of the moral life. And such rational self-control, the belief that correct moral behavior can be inculcated by reason, is a dominant feature of contemporary liberal thinking.

To listen in on any number of conversations on the Upper West Side is to be convinced that liberals care very much about the realm of morals and that they are trying to communicate it to their children via appeals to reason. Such appeals resolutely ignore or gloss over all that is childlike about a child. The following was overheard on a Broadway bus between 86th and 96th Streets.

"Jonathan! A woman is sitting in front of you, and you're yelling in her ears. Would you please tell her you're sorry? [No response from Jonathan.] Remember when Benjamin hit you and then apologized to you and then how much better friends you were afterward? [Still no answer.] No? Well, I don't think that you two guys can sit together again on the bus because

you get too wild. [A minute later:] Remember the place we got your egg salad sandwich? We're going to stop there and buy some veggies. Are you going to help me fix dinner?"

These are the kinds of full sentences that are constantly being unleashed on children, at a sound level that assures everyone on the bus is privy to them. Moral instruction is not private here. It's the kind of voice, with distinct articulation, in which I imagine Hillary Clinton explaining her health care plan to recalcitrant members of Congress. It's the voice in which I imagine Hillary speaking to Chelsea. It's the voice that urges reason, like that of an obviously divorced dad on a lunch outing with his two offspring, as he alternated between ingratiating, smiling inquiries and the following gambit with the girl: "You're acting up and you're taking away the pleasure of a nice lunch. Is that what you want to do?"

So abstract that word "pleasure." After all, wasn't she already doing what pleased her, digging cherries from her glass and getting water all over the table? And the father (who assumed it was the most natural thing in the world to take two young children to a restaurant patronized otherwise only by adults) was unable to call forth from himself any of the age-old practices of parents to deal with such behavior—because such practices would show the failure of reason.

Since reason is so clearly ineffective when kids are being most kid-like, often my neighbors resort to a studied nonchalance in the face of a child's unruliness, refusing (so it seems to suffering bystanders) to train their children in public etiquette. We have all seen children careening around a crowded waiting room at the doctor's office, straining to get out of the shopping cart at the grocery store, or banging their spoons on the table in a restaurant. And sometimes they are manifestly tired and hungry and one can only envy them for doing what we would all like to do in our cranky moments. But many times two-year-olds are engaged in those ceaseless little actions whereby they endeavor to master and manipulate their environment—by grabbing items off the shelves at drug stores or insisting on standing alone in the aisle of a moving bus—activities that play havoc with other people's property and even their own safety. In such situations one often notices on the parent's face an ironic smile, hiding—or so one supposes—equal mixtures of rage and incompetence. It is the price you pay when you don't want to appear unreasonable.

What distinguishes the children of liberals past the age of two is that they talk constantly, with fully formed sentences pouring forth nonstop from their mouths. The first time you're on a bus and you hear a four-year-old spelling out all the store signs is cute, but the kid doesn't stop. In the way of kids, he goes on and on. It's hyperactive behavior, transferred to the

mouth. Again, the parent wears the ironic smile, while the syllables grow into a veritable logorrhea. Why, I used to ask myself, this passivity, this inability to stop the flow, assert discipline, say that Mommy needs a break—any action that would set limits and thereby help a child to assume the contours that come from life in interaction with others?

Even before reading Jürgen Habermas—the German sociologist formerly associated with the Frankfurt School—I had come to suspect that discipline is foreign to the liberal mind, that liberals hate contours and self-definition that comes from limits. Thus, public space becomes for liberals an extension of their private living room. At a recent academic convention I attended (which means a profusion of liberal people), liberals could be distinguished from the other business travelers by the way they sat in the bar area of the hotel without ordering drinks, their feet on the coffee table in front of them, while their kids amused themselves by running up and down the escalators and diving on the couches. Liberals tend to colonize all spaces they are in.

Liberal moms can be seen in coffee shops, their huge strollers blocking passageways, their bags arrayed on all available chairs. Diapers are changed when necessary, while the kids are allowed to sit on the floor and play and be under everyone's feet. The Barnes and Noble bookstore on Broadway is nothing short of a homeless shelter for liberals, in which people spend hours reading the magazines or books, some with the coffee they have brought from Starbucks or plastic containers of noodles from Ollie's.

Related to this inability to draw boundaries between private and public space is, as I have noted, the public nature of liberal discourse. I am using that word in its current extended sense. It applies to the articulations of the mother on the bus, but it also applies as well to a professor of literature at my university who, on walking out of his office, says to no one in particular among the group of graduate students standing around: "I hate religion." Or "I just saw that ghastly Arianna Huffington on TV." Being that he is head of the department, that he controls who gets graduate teaching jobs or financial assistance, there is little chance that any of the students will disagree. Liberal speech is seldom private: whether it's in a subway, a restaurant, or a line at the bank, no one is safe when a liberal mom or dad decides to give a spelling lesson to a child. Because the subject interests them, it must interest everyone else.

It is in this matter of *talking* that Jürgen Habermas situates an essential component of modernity. Habermas' own ideas have undergone considerable permutations since the publication in 1962 of his study on the public sphere, but his concept has served as a point of departure for countless studies of what

constitutes "modernity." According to Habermas, a specific subjectivity developed in the eighteenth century because of the privatization of life in the bourgeois home (private rooms and private possessions led to private needs). Rightly stressing the economic autonomy on which such privatization of emotion rested, Habermas notes that this sphere of private sentiment was "audience oriented." Examples of such orientation include eighteenth-century epistolary novels (*Pamela*, *The Sorrows of Young Werther*), in which an endless dissection of emotions is directed at recipients. For Habermas, the "clarity" concerning the self attained in the private realm was transferred to the critical debates in the public sphere, which revolved around matters like self-government and representation. In this way, the bourgeoisie supposedly developed critical thinking and a conception of its role in public life, with important effects on the constitution of democratic institutions.

Conversations are easy to overhear on the Upper West Side. You hear them, as I said, whether you want to or not. And to hear a woman of twenty or forty, as she passes you on the street, discussing her abortions or her weight or her nervous breakdown, all in the same vocal register, lends certain anecdotal support to Habermas' theory concerning the public nature of bourgeois emotionality. Indeed, despite the material affluence of the world around them, despite the fact that they can fill up their shopping baskets with paté, mangoes, Japanese apples, avocados, endives, Moroccan, Greek, Italian, and Lebanese olives, that they have time to sit in coffee bars and talk while consuming three-dollar cups of coffee, the inevitable subject of liberal conversation is . . . themselves. Their utterances are for the most part *private* talk: about dysfunctional families, about Prozac, about the motives and speech and behavior of their friends and enemies, about their own motives and behavior. Their speech is largely interminable self-analysis, for everyone to hear. And though they are living in the greatest time of abundance for the many in all of history, the reports they give of their lives are dark indeed.

Of course, liberals do utter opinions on public issues, and they do so in public spaces for all to hear. And though these opinions are often uttered with reference to moral values, whether these utterances truly constitute critical discourse is doubtful. If one clears away all the obfuscatory rhetoric liberals constantly utter about morals (about fairness, compassion, justice, tolerance, etc.), one recognizes that material affluence is requisite to the autonomizing of the emotional life and that this affluence has itself become the tail that wags the dog: the moral life is for liberals the same as the emotional life, and it centers upon the fulfillment of material conditions, which, if unmet, leads to what is felt as a life not quite human.

Liberal culture is not, as Habermas asserts, the basis of true democratic and representative life. On

the contrary, it loathes the messy character of the modern, democratic world, which is a marketplace in which we all sell ourselves and our talents, including our opinions and ideas. Liberals have the same disdain as Theodor Adorno for what he called the "culture industry," meaning principally the products of the entertainment conglomerates. Since, however, there is no longer an organically transmitted "high" culture (in the way, say, that Beethoven transmitted Haydn), contemporary "culture" today must be acquired at Zabar's or Barney's. One's status in the world is measured by the possession of the requisite status objects and status opinions.

The transfer of private emotion to the public sphere has, indeed, transformed the debate concerning human "rights." That this is a movement that is materially based and has nothing to do with enduring human values is apparent from the collapse of traditionally liberal views (say, those of John Stuart Mill or even Justice Brandeis) into those of advocates of "identity politics" and of others who speak of the constructedness of human beings and who dispute the very notion of self and of true human choice. This social-construction view is absolutely dependent, of course, on a booming capitalism. Though people who nowadays call themselves "progressives" are often contemptuous of capitalism, "progressive" is a word that well describes the built-in obsolescence of goods, of ideas, and of human institutions that characterizes the current American marketplace. Thus, liberals want their kids to be "good," they just don't want the Good. They want their kids to be moral, but they want morality that is fashionable and up-to-the-minute.

Scene of father and preschool girl in supermarket. She lingers in front of small cartons of ice cream. "You can have a yogurt," he says. She jabs a finger in the direction of the ice cream. "You can have a yogurt," he repeats. In her throat she begins to amass that guttural energy that will burst forth as a howl. "It's your choice," he says firmly.

At Chicken Fair, on 88th and Broadway, a father asks a child, who might be three-and-a-half years old, what she wants: breast or drumstick? rice or potato salad? Developing discrimination, developing "choice" in three-year-olds. A lot of time is consumed in this decision, while the rest of us wait patiently to order our dinner.

It has become a commonplace today that the failures of liberalism can be traced to the Enlightenment. If one studies that eighteenth-century movement one is struck by the moral seriousness of its leading advocates (and Habermas' writings are imbued with it). One has only to read Shaftesbury to

realize that theirs was no common materialism or atheism. The moral perfection of the human and of society that they envisioned, however, was based on transforming the material conditions of man, and this is indicative of the material trap into which liberalism has fallen.

One of the efforts of the early Enlightenment in Germany, my area of research, was the education of women. This did not have the aim of making women into poets or of admitting them to the spheres in which learned men operated. In fact, it is a sign that the Enlightenment itself occurred before the great break into the modern that such education for women was always promulgated by emphasizing the important role that educated mothers would play in the education of children. In an odd way, this was what today passes for home schooling. The men advocating female education, however, wished to wipe out the influence of the religious establishment in the sphere of morals and replace it with education that would train the child in the use of reason as the basis for the formation of individual authority in moral matters. The odd thing about such individual authority is that on all the contentious issues of the day—from Supreme Court nominees to animal rights—all liberals think alike. Not only that, but they are also certain that every rational person thinks like them.

It is in their talk with their children that liberals reveal their ancestry from the secular values of the Enlightenment as well as the configuration of the moral universe in which they live. Solutions to human problems derive ultimately from *talking*, which will lead to rational solutions. It starts early with liberal children.

"Show me a tree, Nathan. Where's a tree?" says a mom to a child in a stroller. Or, "That's his hunter-and-gatherer thing," a dad in a supermarket says. He is talking to the cashier, a teenage girl with Asian features, but he is referring to the behavior of the two-year-old strapped to his chest. The kid, of course, is trying to grab everything in sight. "Hunter and gatherer," I reflect, signifies the father as someone who is culturally literate, but it also displaces the behavior beyond the immediate setting. This is Kantian categorizing at its best. Neither of my parents would have made such a witty remark about hunters and gatherers. And they would not have subsumed my obnoxious behavior under the rubric of some larger cultural manifestation.

There is an entire segment of the entertainment industry that contains witty talk of this sort: TV sitcoms, which are mostly written by people with liberal sensibilities. In these shows, usually revolving around family situations, people talk endlessly. They

articulate their misunderstandings, which often come down to conflicting emotional positions, and, presto, troubles evaporate.

What I most recall about my own childhood, however, is that I seldom *talked* with my parents. As a child I used to read articles in women's magazines, likewise written by that branch of secular culture that sees in talk the solution to life's conundrums. The articles recommended mini-summit conferences with family members, during which one negotiated emotional positions, struck bargains, came to understandings. I remember even aspiring to live in such a state, just as I desired to live in a house that we owned, instead of moving from duplex to apartment when we fell on hard times, with a room of my own that looked like something out of *Seventeen* magazine. There were a few adults in my orbit with whom I occasionally had a serious conversation, but there were none of the confidences or imparting of wisdom that I see going on around me at all times on the Upper West Side, serious discussions with teenagers about the merits of, say, ear- or navel-piercing or abortion. In every case, Upper West Siders sound "mature," another linguistic legacy of my teen reading in girls' magazines.

It hardly needs to be pointed out where liberals stand on the issue of abortion, which signals more than any other issue the divide between liberal, secular culture and a culture with some remaining reverence for traditional pieties. Again, it is the material achievements of our age that are eroding these pieties, guaranteeing us that we'll have children on the best possible terms and not on the terms that the rest of humanity has had to swallow, which in most cases includes our own mothers. Indeed, the values and the lives of liberals represent what families might be if we were all rich and weren't beset by compromise and financial sacrifice and the incessant

demands of children you loved well enough to bring into the world, but who grow up and are thankless or disappointing and who in the end become mirrors of your own shrunken self.

Apart from the use of words like "choice" to talk about abortion, nothing better emphasizes the material nature of liberal morality than the current obsession with dysfunctional families, which has become a media shibboleth precisely because the media are dominated by liberal values. What is called "dysfunctional" of course represents the family situations in which most people in history have grown up. In these families, people travel an ever-narrowing road that limits you, whittles you down to dimensions you never dreamed of when you were seventeen years old and felt on the brink of life. The reason such people are not fooled by slogans like "choice" is because they know not only that aborting the fetus is killing life but also that it lets you off the hook, lets you buy time, get on with your life, get ahead so that you're not faced with all the compromises they faced by taking the hard road—by letting life live.

They are parents who have to struggle to keep a roof over their head, who tell you "no" and don't explain in full sentences why you can't have what you want, who say, "That's the way it is." You come to realize there's a meaning that defies rational analysis. Such realizations breed contours, an understanding of limits, and acceptance of inevitability. "Choice" in these cases is more a poignant recognition than a real option—a recognition that life is a trap and that we can't escape accountability for our actions. It is in such conditions that the intangibles are born; for instance, in the willingness of people to risk their lives for their children and for the life that will come after them.

One wonders if people whose "moral" order is dependent on material values can make such sacrifices. FT

Prognosis in Fall Light

Beauty hurts.
The gold rattles in the wind the blue makes
Like the bright verdict leaping from the doctor's mouth.

On such a day it is meet to wince
For old deft Nature shall have her way
Despite the shock to eye and ear.

Truth Beauty Beauty Truth said hacking John K.
A surer union was never struck.
What remains is flashing decay.

T. O'Hara

Retuning the Psalms

Robert Alter

THE PSALTER. Translated from the Hebrew by the INTERNATIONAL COMMISSION ON ENGLISH IN THE LITURGY. *Liturgy Training Publications*. 150 pp. \$18 cloth, \$12 paper.

There is no biblical book that has affected the inner lives of readers and worshippers over the ages more profoundly than the Book of Psalms. Augustine's understanding of the meaning of his own experience, for example, would not have the focus it does without his reading of the Vulgate's translation of Psalms, and the poetry of George Herbert would have been unimaginable without his immersion in the King James Version of the Psalter. And it is not only exceptional figures but countless ordinary people whose lives have been deeply touched by the daily recitation of the Psalms across the whole spectrum of liturgies. Translating the Psalms is thus a challenge of great moment, and the translators working under the supervision of the International Commission on English in the Liturgy (ICEL) appear to have approached the task with appropriate seriousness. Their translation, the product of fifteen years of collective labor, has now appeared in this handsome edition with the imprimatur of the National Conference of Catholic Bishops. It is intended for liturgical use, and many of the decisions about translation policy were dictated by that consideration. Poets and musicians as well as biblical scholars were involved in the project, with the hope of making the Psalms accessible as poetry in contemporary English and also transposable to song in worship.

The editors give the impression of presenting their translation as a kind of work in progress. On the title page, they announce, "This translation is offered for study and for comment." In light of that invitation, I shall make some detailed comment in a spirit of constructive criticism, hoping that the ICEL committee will devote thought to these questions in any future revisions.

Let me say at the outset that the ICEL translation at its best is remarkably good. The attention to musicality often produces powerful rhythms persuasively corresponding to those of the Hebrew (as against the plethora of arrhythmic modern English versions of the Bible). The decision to give preference to the

Anglo-Saxon elements of English vocabulary over the Latinate ones has the happy effect of creating a poetic diction that frequently recalls the compactness, the concreteness, and the muscularity of the Hebrew.

And the translators show a good deal of resourcefulness in finding English equivalents for Hebrew utterances that sound both idiomatic and vigorously direct. Thus, the expression of anguish in, "Have pity, for I am spent; / heal me, hurt to the bone" (6:3). Or the sense of speed for the miraculous abruptness of creation in, "God speaks: the world is. / God commands: all things appear" (33:9). The Psalmist's feeling for startling antitheses is nicely caught: "Fill me with happy songs, / let the bones you bruised now dance" (51:10). Although the (inferred) politics of the ICEL translators is decidedly pacific, the translators are quite strong in rendering the bristling martial images of God, perhaps because of their commitment to poetic concreteness:

Cloaked in darkness,
concealed in the rainstorm,
with flaming clouds,
with hail and coals of fire,
the Lord almighty
thundered from the heavens,
aimed lightning bolts like arrows
to rout the enemy. (18:12-15)

And their sense of simplicity of diction and rhythmic momentum also enables them to capture the beauty of more celebratory moments:

May he live as long as the sun,
as long as the moon, for ever.
May he be like rain on a field,
like showers that soak the earth.

May justice sprout in his time,
peace till the moon is no more. (72:5-7)

There is much, then, in this new version of Psalms that is at once evocative as poetry and surprisingly faithful to the Hebrew. There are also, however, recurrent problems flowing from the aesthetic position, the politics, and (at least in my view) the theology of the translators. The approach to translation, as it is spelled out in the Afterword to this volume, is what the committee calls "dynamic equivalence" as

ROBERT ALTER teaches Hebrew and Comparative Literature at the University of California at Berkeley. His translation of *Genesis*, accompanied by a literary commentary, will be published by W. W. Norton in 1996.

against “formal equivalence.” That is, instead of seeking to reproduce in English the formal structures—syntactic, imagistic, idiomatic—of the original texts, the translation strives for analogous “structural, semantic, and idiomatic units that are native to the receptor language.” The aim is, as much as feasible, “to produce the same effect in modern readers as the original Hebrew produced in its audience,” precisely by highlighting stylistic features that are “native to the receptor language.” Now, this is a legitimate conception of Bible translation, though it is not the one I have followed in my own work, but even granting its legitimacy, one must say that it is not without pitfalls.

The poetry of Psalms, like any great poetry, is nicely adjusted to the formal conventions of its own medium, and when these are ignored in the interests of dynamic equivalence, a certain amount of fine focus is lost. In the semantic parallelism, for example, that generally obtains between the two halves of a line of biblical verse, there is often an intensification of meaning accompanied by a miniature narrative development. Here is 89:41 in my rather literal translation: “You broke through all his palisades, / reduced his forts to rubble.” The ICEL renders this: “You break through his defenses, / batter down his strongholds.” What gets blurred is the sharp Hebrew imagery of two different temporal points in a narrative process: first the perimeters are breached, then the entire fortress is reduced to rubble. Repeatedly, vivid poetic parallelisms are turned into looser, sometimes vaguely redundant, utterances. Psalm 104, again in my relatively literal translation, begins: “Splendor and glory you donned, / wrapping round light like a cloak.” The ICEL version reads, “You dress yourself in light, / in rich, majestic light.” That may well sound more like “native” English, but at the cost of seeming faintly repetitious, merely rhetorical, and without the elegant little development of the Hebrew—which, merely through the verb, moves from an intimation of light as a garment in the first half-line to an explicit simile of God’s wrapping light around him like a cloak in the second half. Such fine effects are elements of the poetry of Psalms that might also be conveyed in English, if one cared.

A concomitant problem with the concept of dynamic equivalence is a tendency on the part of the translators to heighten the language of the original, with its distinct fondness for repetition of terms and for a kind of primary vocabulary. “Lord, how many are my foes, / many are those who rise against me” becomes “Lord, how daunting the armies / massed against me” (3:2). Part of the strength of biblical poetry is its parsimony in the use of emotive adjectives, and to my taste there is altogether too much adjectival insistence in the ICEL versions. “The voice of the Lord over the waters” becomes “God’s voice thunders / above the massive seas” (29:3). “Rescue me from the hand of my foes and my pursuers” turns into

“Snatch me from the enemy, / ruthless in their chase” (31:16). At its worst, this strategy of translation does to the language of Psalms what colorization does to a fine black and white film, as when “Let your mercy come to me, that I may live” becomes the saccharine “Shower my life with tenderness” (119:77).

The most common flaw of “dynamic equivalence” is the plunge into vernacular banality. If you are self-consciously striving for a contemporary poetic idiom, you have to have perfect pitch, or you can easily slide into flatness, bathos, or cliché; and as good as these translators are, they are very far from having perfect pitch. Let me offer a sample, italicizing the offending phrases (further comment would be superfluous). “Answer when I call, faithful God. / *You cleared away my trouble*” (4:2). “Hear my just claim, God, / *give me your full attention*” (17:1). “Turn to God, be bright with joy; / *you shall never be let down*” (34:6). “As you are just, / judge in my favor. / *Do not give them the last word*” (35:24). “So I hardened your hearts, / *and you left me out of your plans*” (81:13). “Will [your wrath] stop, / *or drag on forever?*” (85:6). “With ears that are deaf / *and noses that cannot smell*” (115:6). “Though far away, / *you keep an eye on the proud*” (138:6). This little catalogue, alas, is far from exhaustive. The general problem is that the pursuit of native English idiom leads the translators to lose the sense of appropriate linguistic register: an insulted friend might complain about being left out of somebody’s plans, but not God; a bad movie may drag on forever, but not divine wrath.

Beyond such lapses in taste, ideological considerations lead the translators at a good many points to a deliberate realignment of the patterns of expression in the Hebrew. Perhaps inevitably for the 1990s, the most prominent of these considerations is the quest for gender-neutrality in language. The translation is identified on the title page as “a faithful and inclusive rendering from the Hebrew,” though there may be real tension between faithfulness and inclusivity. The fashionable latter term, in any case, should probably be resisted because it makes the assumption that any text that uses “he” for God or “man” for humankind automatically imposes a feeling of exclusion on the women who try to read it.

I suspect that feminists have expended a good deal of fruitless energy in making a fetish of linguistic convention. In the current state of debate about these matters, I perhaps ought to expect myself to feel “excluded” as a man from reading Jane Austen’s *Emma* until all female references to the protagonist are edited out, the title changed to *M.*, and the author’s name reduced to the discreet neutrality of J. Austen. In the case of Psalms, there is a delicate issue of practical judgment involved because it is at least conceivable that by now millions of Catholic women—I have no way of knowing—have become so sensitive to textual phenomena such as pronoun usage that the only

way to make these poems accessible to them as vehicles for prayer is to observe strict gender neutrality in the language. But a palpable price is paid for doing this.

Most pervasively, a certain poetic dignity is lost, and that is more than an aesthetic question, for it is partly this dignity that makes Psalms so resonant an instrument of prayer. The splendid "What is man that you should remember him, / the son of man, that you pay him heed?" (8:5) is transformed into the lumpish "What is humankind / that you remember them, / the human race, / that you care for them?" Man rising to his work (104:23) becomes a flaccid "people rise to work." The focused image of an exemplary man not walking with the wicked or standing among sinners or sitting with mockers—"Happy is the man who . . ."—is turned into the bland self-help didacticism of a second-person pronoun in order to avoid the dread masculine reference: "If you would be happy: / never walk with the wicked . . ." (1:1).

The very differentiation of sexual roles and identity is denied in this contemporary version. The moving image of the long-barren woman who at last knows the joy of childbirth (113:9)—poignant in the ancient world but surely still meaningful today—is reduced to the unisex "The childless, no longer alone, / rejoice now in many children." Another image of the blessings of female fertility, "Your wife, a fruitful vine, / in the recesses of your house," is doubly altered: "Your beloved, a fruitful vine, / in the warmth of your home" (128:3). It is perhaps understandable that the translators should balk at "recesses," with its very unmodern implication that a woman should be secluded within the house; but the gender-neutral "beloved" is a little silly because fruitfulness, at least poetically, pertains chiefly to the woman, and taken together with "warmth," it produces a little roseate cloud of sentimentality where the original is crisp and clear.

A draft of this translation consistently eliminated all masculine references to God, but some of these were restored when the Catholic Bishops' Committee on Doctrine threatened to withhold its imprimatur. Even so, the translators go out of their way to avoid masculine designations of the deity, sometimes at a cost of awkwardness. In Psalm 78, the long psalm that celebrates God's acts in history through a chain of third-person singular masculine verbs (requiring "He" in English), the translators get around gender by repeating "God" in line after line, turning an eloquent narrative catalogue into an ungainly one.

Compensating in another way for divine gender imbalance, they convert "You do not hold back your mercy from me" (40:12) into "your maternal love surrounds me." Now, it is true that the biblical term for mercy or compassion, *rahamim*, derives from *rehem*, womb. But to suggest that it is a differentiated term for maternal love, which has to be accompanied by

womb-imagery ("surrounds me"), is rather like saying that the English word "virtue," because of its Latin etymology, automatically calls to mind manly strength, and should appropriately be translated into, say, French as *puissance masculine*. In fact, in biblical dialogue, petitioners to kings and overlords frequently beg for *rahamim* from the potentate and they are surely not asking for maternal love.

Other ideologically driven translation choices are less common, but nonetheless annoying. "The earth is the Lord's and the fullness thereof" (24:1) becomes an ecologist's manifesto: "God owns this planet, / and all its riches." The quiet affirmation of "for the man of peace will have a future" is gender-neutralized and then converted into what sounds like ban-the-bomb sloganry: "the future belongs to peacemakers" (37:37). (The Hebrew *'ish shalom* almost certainly means "a man who avoids contention," not "peacemaker.")

More egregious on the score of pacifism is this representation of God in the midst of a psalm celebrating victory in battle: "There you break flaming arrows, / shield and sword and war itself." The last term here, *milhamah*, sometimes means "war" in the Bible but more commonly "battle," "fighting," or "assault." In context, it is clearly part of the series shield-sword-assault, all of which are broken by God's martial power, and there is nothing in the Hebrew to justify "itself," nothing to warrant the notion that God in the midst of a battle poem is imagined putting an end to war. That noble imagining is reserved for Isaiah, who expresses a rather different current in biblical literature from Psalms. I am happy to add that such blatant tendentiousness is relatively rare in the ICEL translation, perhaps because the translators, whatever the earnestness of their political ideals, respect the poetry of Psalms too much, lavishing imaginative energy, despite the lapses, on conveying its vividness in English verse.

The one other respect in which this version of Psalms is something less than a "faithful rendering . . . from the Hebrew" is in the influence of its theological assumptions on a couple of key translation choices. The tension between historical understanding and liturgical uses creates a problem that has no easy solution. Apart from fundamentalists, everyone now recognizes that significant differences evolved in the conception of the human relation to God from the various strata of the Hebrew Bible to the emergence of Christianity—and, for that matter, of rabbinic Judaism. The procedure of the various Renaissance translations of the Bible was at certain crucial points to read back Christianity into the Hebrew Bible because the underlying perception of Hebrew Scriptures was supersessionist: the Old Testament was ultimately understood as a prefiguration of the New in which the word of God was at last revealed in its consummated form.

The ICEL translators were, I would infer, confronted with a quandary in this regard. They clearly wanted to be faithful to the poetry and the worldview of the Psalms, and their work is manifestly informed by a modern scholarly sense of the distinctive cultural values of ancient Israel. (Their Hebrew philology on the whole is excellent, with only an occasional construal that strikes me as dubious. To the uninitiated, I should add that there are quite a few psalms in which whole series of phrases are barely intelligible in the Hebrew, probably because the Masoretic Text is defective, and in these instances one must say that the ICEL guesses are as good as anyone else's.) At the same time, this is a translation intended for use in Catholic worship, and though for the most part it avoids explicit Christological emphases, its rendering of two recurrent terms introduces a Christian note that misrepresents the original Hebrew poems. Perhaps this is legitimate in a text meant for liturgical use, though to me it suggests that the translators want to have it both ways—to preserve imaginative fidelity to the Hebrew and yet reinscribe the Psalms in Christian theology, just as they reinscribe them in feminist egalitarianism.

The Hebrew noun *moshi'a* (from the root *y-sh-*, reflected in the names Joshua and Jesus) can be translated as “savior,” though it is more accurately rendered as “deliverer.” It appears only once as a noun in Psalms and another three times in a verbal sense (“he who delivers”). By contrast, the two nouns derived from this root, *yeshu'ah* and *yesh'a*, occur dozens of times in Psalms. The most common context is literally or figuratively military, and so the range of meaning of the recurrent terms is something like “deliverance,” “liberation,” “rescue,” or even “victory.”

In biblical Hebrew, *yeshu'ah* is a distinctly here-and-now word: we are up to our neck in trouble, surrounded by implacable enemies, and we trust in, or implore, God to get us out. Against the weight of this philological evidence, and with the licence of “dynamic equivalence,” the ICEL version repeatedly introduces a savior where the Hebrew speaks of rescue. Psalm 14, evoking a society dominated by savage exploiters, concludes, “If only the Lord’s deliverance would come from Zion.” In the new Catholic translation, this becomes, “If only a savior would come from Zion,” which is quite another matter. A different, but equally untheological, verb, *‘azar*, to help or aid, particularly in military situations, also gets soteriological treatment: “God is my help” (54:6) becomes “God is my savior.”

A far more pervasive term—it is virtually the key to the Psalmist’s conception of God’s relationship with man—is the Hebrew *hesed*, which means “faithfulness,” “steadfastness,” “dependable kindness.” It is a word drawn from covenantal and, indeed, contractual notions: where there is some sort of commitment between two parties, the consideration or fidelity one shows to the other is *hesed*. Now, the ICEL transla-

tors are surely aware of all this because they regularly represent *hasid*, the adjectival cognate of *hesed*, by an English word that suggests faithfulness. But again and again they render *hesed* as “love,” putting an alien emotional spin on the Psalms (perhaps in keeping with “your beloved . . . in the warmth of your home”), and pitching the poems toward a later theological horizon of God as love.

To cite one instance among dozens, the Psalmist’s desperate sense in his anguish—which in context seems to be over the decline in Israel’s national fortunes—that God does not appear to be living up to His side of the covenant is expressed as “Has His faithfulness vanished forever?” (77:9); but this comes out in the new translation as “Has God stopped loving me?” The powerful biblical sense of divine-human relations founded on contractual obligation thus dissolves in a bath of private feeling. It is instructive in this regard that the actual biblical noun for love, *‘ahavah* (as in the Song of Songs), appears only twice in the Psalter, both times in Psalm 109, and both times in reference to man’s relation to man, not God.

The world of Psalms is often pragmatic, anchored in the immediacy and the urgent concerns of quotidian existence. Within this frame, these nameless Hebrew poets succeeded in giving supreme expression to the basic rhythms of inner life: bleak despair in the face of accumulated disaster, stubborn hope, gratitude, exultation, rhapsodic celebration of the splendors of creation, contentment in the quiet joys of the good life. The wonder of it is that the Psalms are able to join a hard-nosed pragmatic view of life with great delicacy of feeling and resonant spirituality. At moments, this new English version gets all this just right, managing to be faithful to the poetic compactness of the Hebrew, the meanings of the Hebrew words, and the tonality of the original poem. Here, for example, is its rendering of the haunting opening lines of Psalm 42, which seems to me superior to the Authorized Version:

As a deer craves running water,
I thirst for you, my God;
I thirst for God,
the living God.
When will I see your face?

There are a good many other passages in this translation that are just as fine. It is regrettable that they should be marred by the recurrent slippage in poetic diction, the indulgence in heightening paraphrase in the guise of translation, and the instances of tendentiousness and anachronism. As the translators continue to wrestle with the poetic and religious challenges of the text, one may hope these are flaws they will seek to correct. ☐

Books In Review

Not Much Help

ON THE NEW FRONTIERS OF GENETICS AND RELIGION. By J. ROBERT NELSON. Eerdmans. 212 pp. \$12.99.

Reviewed by Gilbert Meilaender

WE ARE badly in need of books that will help us engage in moral and religious reflection upon recent mind-boggling advances in genetics. Unfortunately, *On the New Frontiers of Genetics and Religion* will not meet that need. It provides some useful information in brief compass (indeed, that is probably its most helpful feature), but it does not succeed in its attempt to explore the religious implications of genetic advance.

J. Robert Nelson writes that "the year 1953 is to genetic science what 1492 is to geography." In that year James Watson and Francis Crick published their now famous article describing the structure of DNA. The decades since then have been marked by an astonishing pace of advance in genetics, funded now in considerable measure by our tax dollars. The Human Genome Initiative, a combination of projects aimed at mapping the human chromosomes and locating the genes on the chromosomes, is to be completed over fifteen years at a cost of some three billion dollars. However strong the motives that drive a purely scientific desire to know, the Congress would not have committed itself to such a project if it did not hold out the hope of genuine advance in our knowledge of hereditary diseases.

A good bit of such advance has already taken place. Nelson writes that at least four thousand single-gene diseases (diseases caused by a single mutant gene rather than by some combination of genes or by a combination

of genetic and environmental factors) are now known, and about two hundred of them can be diagnosed prenatally. No doubt the numbers are larger now than when he wrote. Despite this astonishing progress, and despite the fact that we surely stand on the verge of more breakthroughs, we find ourselves in some ways returning to the condition of medicine

before the great age of antibiotics dawned: We are able to diagnose far more than we can treat. That condition raises many troubling questions with which we need help.

NELSON is a theologian working in the Institute of Religion at the Texas Medical Center in Houston. That Center sponsored two conferences (in

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1990 and 1992) on "Genetics, Religion, and Ethics." This volume reports on those conferences and summarizes the views of some participants. After the first chapter's introduction to the topic, chapter

two—perhaps the most valuable in the book—describes briefly and clearly advances in genetics and the therapeutic possibilities currently available.

Chapters three and four take up

moral questions raised by the Human Genome Initiative and its implications for our understanding of human nature. These chapters are considerably less helpful. Lacking any clear argumentative thread of their own, they mostly summarize views of different participants in the conferences. Such summary tends to lose the complexity of argument. The reader who already knows something about the issues is not likely to advance in understanding, while the reader who knows little will not learn enough to enter deeply into the issues.

Chapter five summarizes—and in some cases reprints extensively—"personal religious positions individually expressed" by conference participants. Chapter six, by contrast, summarizes briefly several "official" statements of religious bodies and includes a helpful analysis of these statements by Audrey Chapman. A reader who has made it this far is likely to conclude—as Chapman does, albeit politely—that the statements don't help much in bringing religious faith to bear upon genetics. Nelson's own brief concluding chapter attempts to make some progress toward that end (via a rather puzzling use of Tillich's notion of "correlation") but, clearly, much more is needed.

What "more," in particular? Because we are at present able to diagnose many more hereditary diseases than we can treat, the "treatment" of choice has become prenatal diagnosis (still most commonly by means of amniocentesis) followed by abortion of fetuses with defective genes. This fact, straightforwardly recognized by Nelson, begs for analysis and critique. Evidently, however, the participants in the two conferences upon which this book is based were unable to provide it. Summarizing, I think, views of conference participants, Nelson says of prenatal screening:

In some circumstances the disclosure of true data results only in a satisfactory outcome. Prospective parents can learn that some fears of their infant's manifesting spina bifida or cystic fibrosis are needless after

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all. Or they can terminate a pregnancy, however tragic that may be, in order to avoid the birth of a grossly malformed or severely retarded baby. We recognize, however, that the definition of a "satisfactory outcome" to a pregnancy varies widely according to differing evaluations.

Only in instances of prenatal diagnosis used to select the sex of one's child (by aborting a child of the undesired sex) did many conference participants seem to draw the line, since in these circumstances, Nelson writes, "it is not the will of the prospective parents but the inviolable life of the fetus which prevails." Given the tenor of the rest of the book, "inviolable" is a strange choice of adjectives.

Prenatal diagnosis accompanied by abortion for genetic defect is a serious issue, and the discussion of its moral significance ought not be simply folded into general discussions of the pros and cons of abortion. As such a procedure gradually becomes routinized, it must raise questions about the depth of our commitment to the norm of equal respect. Some children will always be born with disorders, having slipped through our tests, and others will become physically or mentally disabled after birth because of illness or injury. How will we feel about them when we have gradually raised our standards for what is acceptable and normal in a child? At this moment in time, when we can diagnose more than we can treat, we may teach ourselves to blur the distinction between preventing genetic *disease* and preventing a genetically abnormal *person*. It may not be as easy as we think to repeat again our culture's slow, laborious development of a norm of equal respect for all human beings.

That children can be damaged in countless ways after birth also means that the routinization of prenatal diagnosis accompanied by abortion is poor preparation for motherhood or fatherhood. As Barbara Katz Rothman has written, "Motherhood is, among other things, one more chance for a speeding truck to ruin

your life." Learning to love without condition or qualification the child one has been given is a lifelong task—and certainly the most important task for prospective parents. Yet, as prenatal diagnosis followed by abortion establishes itself as accepted medical practice, we train ourselves to love less heroically and more conditionally. Surely, such a

practice calls especially for religious examination and analysis.

Among the "personal religious positions individually expressed" in the book is a brief statement by Gerald McKinney. With his vision shaped by the study of Calvinist theology, McKinney nicely notes that "genetic knowledge gives persons a sense of fate." And the rapidly ex-

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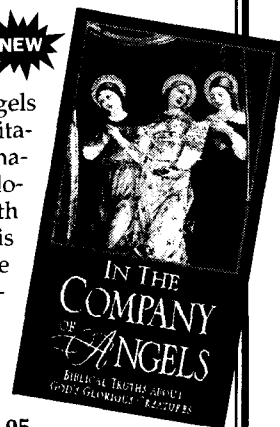
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panding scope of such knowledge will, he suggests, "force upon us a much deeper awareness of the sheer givenness of human life and its utter imperviousness to the deep illusions that we are naturally the products of our own making." Perhaps it will. Or perhaps, rebelling against such "givenness," we may try still more fervently to take control of our life and shape our destiny.

Christianity first expanded into a Gentile world weighed down by an oppressive sense of fate—the biblical language of "principalities and powers." In such a world the announcement that these powers could not separate us from the love of God revealed in Jesus, the message that the risen Lord had ascended to the right hand of God with all powers subject to him, was good news indeed. In this respect also we need religious critique of and reflection upon the powers that hold us in their grip. We need to learn again where we ought to look for deliverance. Helpful as it is in providing some basic information, this volume will not, I fear, meet our most pressing needs.

Since Long Before 1492

CULTURES IN CONFLICT: CHRISTIANS, MUSLIMS, AND JEWS IN THE AGE OF DISCOVERY. By BERNARD LEWIS. Oxford University Press. 101 pp. \$16.96.

Reviewed by Robert Royal

KARL VON HAPSBURG, one of the heirs to the old Austro-Hungarian throne

and a member of the European Parliament, is fond of telling a story about the deep connections between religion, politics, and history. While he was visiting one of the troubled fractions of the former Yugoslavia, the local bishop was abducted for a few hours, but released later the same day to a Franciscan monastery where von Hapsburg was staying. This puzzled him, and he asked one of the monks why the abduction had occurred. "Well," the monk began, "it all started in 1523 . . ."

Bernard Lewis' *Cultures in Conflict: Christians, Muslims, and Jews in the Age of Discovery* reminds us that many current questions have ancient roots. In fact, the conflicts Lewis examines were already eight hundred years old by the time the Age of Discovery began in 1492. Islamic conquerors had spread out of Arabia and across Palestine, North Africa, and much of Spain by 711, less than a century after Muhammad's birth. The relations of Christians, Jews, and Muslims around the Mediterranean were tumultuous for centuries, and still have consequences—in the Balkans, for instance—that we need to understand if we are to cope with politics and conflict today.

BECAUSE OF the contemporary dominance of the West, many people anachronistically read back into the conflicts of the age of exploration a European preeminence that did not exist. Lewis, perhaps the most distinguished Arabist in the English-speaking world, shows how, on the contrary, it was Muslim cultural and military power that seemed ascendant both earlier and later, with a few exceptions. The Christian Crusades to retake the Holy Land from the eleventh to the thirteenth centuries failed. Muslims captured thousand-year-old Christian Byzantium in 1453, not only posing a military threat in the Eastern Mediter-

anean but necessitating new trade routes to the Far East. Muslim raiders approached Venice in Northern Italy, and even captured Otranto in the South of Italy during the 1480s, while Barbary pirates carried on a "naval jihad" as far as the British Isles and Iceland.

Although in 1492 the Catholic monarchs Ferdinand and Isabella took Granada, the last Muslim stronghold in Spain, they still faced a long struggle that involved the pacification, conversion, and expulsion of their large Muslim population. Other Muslim forces were far from dead after 1492. The Moroccans dealt the Portuguese a severe blow in the 1578 Battle of the Three Kings. And it was not until 1683 that the second Turkish retreat from the siege of Vienna limited the Muslim presence in Europe to Turkey and the Balkans. Other outcomes, far less favorable to Christian nations, had been quite possible—as the Europeans of the time knew well.

Lewis remarks that Christianity and Islam were similar in their belief in a universal missionary purpose and in their drive toward military dominance. The civilizations of China, India, and the Americas were quite sophisticated and advanced, he says, but regional. When Buddhism lost its missionary fervor, Christianity and Islam were the only remaining religious movements with global aspirations. For much of the Middle Ages, Islam—which was far more advanced than Christian Europe—seemed the likely successor to classical civilization. Yet for not wholly understood reasons, Christian Europe was to show a global thrust and transcultural curiosity (along with a large dollop of outright greed) that led to its worldwide dominance.

MEDIEVAL Jews were in a far different position. In Europe and throughout the Muslim world, Jews at the time posed little political and military challenge to either power. They did, however, pose a theological, intellectual, and legal one. In the "Dark Ages" (darker in Europe

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than in the Islamic world), Jews were generally tolerated in both Christian and Muslim states. It was largely as the Muslim threat rose and Crusades were undertaken during the High Middle Ages and the Age of Exploration that Christians included Jews in the efforts they were making against external Muslim opponents. Jews were expelled from England, France, Naples and other cities, and, notoriously, from Spain in 1492. Many fled to North Africa and the Eastern Mediterranean where Muslim rulers regarded them as reliable economic and political allies.

Lewis examines little-known Arabic sources to arrive at a remarkable picture of the way Christians and Muslims looked at one another. Despite their mutual hostility, they understood each other's views rather well. Muslim theology was largely dismissed by medieval Christians as post-Gospel heresy; but the Muslims themselves were regarded as serious social and military challengers. By contrast, a still primitive Christendom looked to sophisticated Muslims "rather as Central Asia or Africa appeared to Victorian Englishmen."

By 1492, Christians were powerful and sophisticated enough to defeat the Muslims in the Iberian peninsula, but Spain faced a complex problem. Like the Jesuits in Elizabethan England, *moriscos* (converted Muslims) and *marranos* (converted Jews) in Spain were both a religious and a political threat. Not only were they suspected of being crypto-infidels, they were also "suspected of complicity with the Muslim powers." Nonetheless, their treatment was not uniformly harsh. Just prior to the government's 1609 decision to expel all the *moriscos*, for example, the bishops of Spain refused a collective condemnation of them and urged efforts at real conversion. The choice between conversion or death may not seem very appealing to modern eyes, but under the circumstances it reflected not entirely unfounded fears.

LEWIS IS impartial in describing this

history. Yet he takes some odd positions. He argues that Islam was the first universal, multiracial, multi-ethnic religion. But after asserting this and describing Christianity as, until 1492, an essentially European faith, he goes on to describe how the "vast majority" of Muslim converts in the Middle East, North Africa, Spain, and Sicily came from Christianity. This is all the more puzzling since he rightly points out that the Crusades, far from being an early attempt at European imperialism, would be better understood as, in the mentality of the time, a kind of *reconquista*, similar to the recapture of Spain and Sicily in Western Europe and Ivan the Great's throwing off the "Tatar yoke" in Eastern Europe.

The crusade, a long-delayed Christian response to the *jihād*, was an attempt to recover by holy war what had been lost by holy war, and what could be more important for Christians than the Christian Holy Land, lost by the Byzantine emperors to the Muslim caliphs in the seventh century?

The obvious implication is that Christianity, from its first movements out of Palestine to Greece, Rome, and the northern and southern shores of the Mediterranean, was itself a multiracial, multiethnic, universal movement.

Unlike many others who have tried to tell this tale, however, Lewis does not indulge in facile castigation of the West or try to pretend that all cultures are equal in the multicultural dispensation. After a sympathetic treatment of all three faiths, in his closing pages he comes down squarely in favor of Western culture: "In setting out to conquer, subjugate, and despoil other peoples, the Europeans were merely following the example set them by their neighbors and predecessors and, indeed, conforming to the common practice of mankind. . . . The interesting questions are not why they tried, but why they succeeded and why, having succeeded, they repented of their

success as of a sin. The success was unique in modern times, the repentance, in all of human history."

In that light, multiculturalism itself reveals itself to be very Western. For Lewis, "The special combination of unconstrained curiosity concerning the Other and unforced respect for his otherness remains a distinctive feature of Western and Westernized cultures and is still regarded with bafflement and anger by those who neither share nor understand it." If the West "goes," he concludes, imperialism, sexism, and racism (three words of Western coinage) will not also "go." Rather the power to criticize them will disappear and the world will be impoverished and endangered as a result—a lesson a truer knowledge of history and the Other might teach self-critical Westerners.

Conservatism in Conflict

THE SOUTHERN TRADITION: THE ACHIEVEMENT AND LIMITATIONS OF AN AMERICAN CONSERVATISM. By EUGENE D. GENOVESE. *Harvard University Press*. 138 pp. \$22.50.

Reviewed by A. J. Bacevich

THIS IS A compelling and provocative book. The work of a devout (though by his own admission chas-

A. J. BACEVICH is Executive Director of the Foreign Policy Institute at the Paul H. Nitze School of Advanced International Studies in Washington, D.C.



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tened) leftist who is also one of this country's leading historians, *The Southern Tradition* is a perceptive and sympathetic portrayal of one of the main currents in American conservative thought. It is also historical revisionism of a very high order. As is so often the case with revisionists, Eugene Genovese is not content simply to reinterpret the past. Rather, he consciously exploits the past to subvert the present. In short, this concise volume is at once an impressive work of scholarship and a stimulating polemic.

As scholarship, *The Southern Tradition* mounts a crisply argued challenge to one of the central tenets of historical orthodoxy, namely, that ancient Southern pretensions to a distinctive intellectual tradition are fraudulent, having been irredeemably tainted by the South's association with slavery and racism. Cynically fabricated (before 1865) to justify the "peculiar institution" and (subsequently) to keep African-Americans under heel, neither the Southern critique of Northern capitalism nor Southern claims to uphold a unique way of life are to be taken seriously—at least not if one aspires to be classified among the righteous and right-thinking intelli-

gentsia.

Genovese rejects this view categorically. His own extensive writings on the slave system protecting him from attack as an apologist for slavery, he argues that the Southern intellectual tradition all along has been more than a defense of Southern racial arrangements. Citing Southern thinkers from John Randolph of Roanoke and John Taylor of Caroline through John Calhoun and the Southern Agrarians of the 1930s down to the (inevitably) lesser known exponents of Southern conservatism of our own day, Genovese sets out to rehabilitate that tradition and to offer it as the proper basis for an authentic American conservatism.

WHAT IS THE essence of that tradition? Genovese takes pains to distinguish genuine Southern conservatism from the faux conservatism of present-day politicians whose Southern attachments are merely incidental. Genuine conservatism, according to Genovese, is not to be confused with slavish devotion to the free market, hostility toward social welfare programs, and undifferentiated antagonism toward governmental authority. Rather, as

manifested in the Southern tradition, bona fide conservatism is rooted in a "belief in a transcendent order . . . in society as well as nature." For those who acknowledge the primacy of this order, a brand of politics that subordinates all else to the twin goals of underwriting economic growth and advancing an agenda of increasingly nihilistic individual "rights" is anathema. Instead, in the eyes of genuine conservatives, "political problems are revealed as essentially religious and moral."

In Genovese's view, this perspective—rooted in Judeo-Christian values today largely abandoned by American elites but still retaining a powerful influence in the country at large—need not and should not place authentic conservatives in opposition to capitalism per se or to a belief in individual freedom. But it does lead them to reject the excesses to which both the market and individualism are prone when unchecked by serious religious and moral considerations. Thus, according to Genovese, the Southern tradition of conservatism recognizes "the indispensability of private property" while rejecting any system "that makes the market the arbiter of our moral, spiritual, and political life." Thus too, Southern conservatives endorse the "Christian notion of a God-given dignity of the personality" while condemning a radical individualism "torn loose from family, community, and civic responsibility."

Today's religious conservatives, according to Genovese, are heirs to this Southern tradition. This linking of past to present is central to the author's overall purpose. Genovese uses it to demolish the argument that today's much maligned Religious Right is an illegitimate perversion of American political thought, to be dismissed accordingly. Instead, he shows that the views of present-day religious conservatives have roots deep in American history and grow directly out of the South's longstanding critique of liberalism, modernity, and the underside of capitalism. Indeed, the phenomenon

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represents more than outgrowth: it reflects a significant expansion. No longer confined to the South, today's religious conservatism is likely to be stronger than even its leaders imagine and certainly stronger than secularized elites are willing to acknowledge.

WHETHER correct or not—having once viewed the Soviet Union as the wave of the future, Genovese admits to an imperfect record of political forecasting—this assessment gets to the heart of the author's subversive purpose. Genovese is hardly the first to note the cleavage that runs down the middle of the new conservative majority, dividing mostly secular free market libertarians from predominantly religious cultural conservatives. As Newt Gingrich and other Republican standard-bearers understand, holding that uneasy coalition together is crucial to their party's hopes for 1996 and beyond.

Genovese will have none of that. On the contrary, he summons religious conservatives to expose the cleavage for all to see. He insists that they remain true to their beliefs, to refuse any compromise on those issues that are clearly the most difficult for secular conservatives to swallow: abortion, homosexuality, and religious-based education.

If religious conservatives are as strong as Genovese suggests, perhaps such a confrontational strategy will succeed. Perhaps. Arguably, however, such a showdown would provoke an explosion, abruptly terminating the current conservative ascendancy, destroying the existing party system, and causing a fundamental realignment of American politics. Although he does not say so outright, it is hard to avoid the impression that Genovese, the veteran radical and inveterate critic of American institutions as oppressive and corrupt, might actually welcome the prospect of such an upheaval. It is one measure of the power of this book that even a conservative reader comes away wondering if he might not be right.

The MESSAGE

HE BECAME HUMAN!



Think of yourselves the way Christ Jesus thought of himself.

He had equal status with God but didn't think so much of himself that he had to cling to the advantages of that status no matter what. Not at all. When the time came, he set aside the privileges of deity and took on the status of a slave, became *human*! Having become human, he stayed human. It was an incredibly humbling process. He didn't claim special privileges. Instead, he lived a selfless, obedient life and then died a selfless, obedient death—and the worst kind of death at that: a crucifixion.

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—from *Philippians 2*

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The Japanese and the Jews

JEW IN THE JAPANESE MIND: THE HISTORY AND USES OF A CULTURAL STEREOTYPE. By DAVID G. GOODMAN and MASANORI MIYAZAWA. Free Press. 360 pp. \$24.95.

Reviewed by Daniel L. Alexander

GIVEN THE LACK of Jews in Japan, "Japanese anti-Semitism" and "Japanese philo-Semitism" may sound like the oxymorons in a *koan*, the baffling, "sound-of-one-hand-clapping" type of riddle that Japan's ancient Zen masters posed to their disciples. But the Japanese seem to have developed a horror and fascination with the Jews on a par with the strongest European traditions, and a surprising number of Japanese seem to enter political, economic, and intellectual life with Jews on the brain.

I discovered this shortly after starting work in Tokyo. With the Gulf War renewing Japanese interest in Israel, my company's employee union sponsored a lecture with the provocative title "The Jewish Mind and the Japanese Mind." As it turned out, the featured speaker, Jack Halpern, has made this topic part of his stock-in-trade of an active lecturing schedule and a substantial output of Japanese-language books; as the son of Holocaust survivors, and a former Brooklyn yeshivah student and Israeli Kibbutznik, the twenty-year resident of Japan is well known for his efforts to bridge the Jewish and Japanese cultures. What made this particular gathering weirdly impressive was that most of the employees in attendance already had a tremendous respect for "the Jews" in an abstract sense. Moreover, as Halpern himself implicitly acknowledged in his speech, they were there with a very specific question in mind: What must we Japanese do to achieve the same level of international adaptability and business

acumen as you Jews?

About four months later, I was introduced to the nasty side of the Japanese fascination with Jews. A coworker took me to a private estate for an exhibition of *netsuke*, the elaborately hand-carved traditional miniatures. Sipping tea in the rear garden, as the zithery sounds of a *koto* floated in the background, my coworker and I discussed the exhibition and the state of the art business with an organizer of the exhibition—who promptly blamed "that cabal of Jews who've bought up the stockmarket on the cheap" for the nation's economic strain then beginning to tell in sluggish fine-art sales.

THESE TWO IMAGES—of Jews as a race of exemplary, internationalist cultural and business leaders, and of Jews as a malevolent, grasping menace to Japan—have continued to pop up in their media as the Japanese flail about for a way to get their economy out of irons and their society back on an even keel. Occasionally, the images actually appear linked in the same "exposé." But why the *Jews*?

Jews in the Japanese Mind offers some highly insightful, if disturbing, answers. David Goodman, a professor of Japanese literature at the University of Illinois, and Masanori Miyazawa, a professor of history at Doshisha Women's College in Kyoto, have produced a work of cultural history that is meticulously researched, lucidly written, and scrupulously forthright.

Both Japanese anti-Semitism and philo-Semitism, the authors argue, spring from Japan's strong feelings of "insecurity and anomie" in the modern world. Compounding the problem is the reluctance of many Japanese to come to grips with the powerful xenophobic chauvinism that has long been intertwined with their sense of ethnic nationalism. Japan has had next to no Jewish population, but for over a century these cultural demons have driven the "various constituencies [that] have used images of the Jews for their particular purposes."

The result of this obsession with

the Jews, Goodman and Miyazawa contend, is a nation that is morally, intellectually, and politically "hobbled" in the international arena. One symptom of this obsession is the ready consumption by many Japanese of vast amounts of foreign misinformation about Jews. But the Japanese have also been extraordinarily adept at inventing their own quack theories about the Jews. The authors emphasize that disabusing the Japanese of their illusory notions first requires recognizing "the diversity, continuity, intensity, and specific content of Japanese interest in the Jews."

Scholars such as Robert Wistrich have characterized the anti-Semitic phenomenon in America, Europe, and the Middle East as a "miasma of nightmarish paranoia, millennial fantasy, homicidal hatred, and sheer political cynicism." Though actual violence has never been an element, Japanese anti-Semitism largely fits this formula.

GOODMAN AND MIYAZAWA point out that "nightmarish paranoia" about Japan's supposed vulnerability to foreign subjugation has repeatedly emerged from the shadows in Japanese history, often with colossal vigor. This alarmist mindset has its roots in the wide assortment of anti-foreigner, anti-Christian polemics that appeared during Japan's wary reopening to the West in the mid-nineteenth century. The authors also provocatively observe that a tendency toward "millennial fantasy" among some Japanese frequently encourages paranoid thinking. Typically, the combination of these two elements yields a profusion of anti-Semitism. Paradoxically, though, the same combination has yielded the singular *philo-Semitic* tradition in Japan as well.

Their exposure to Western anti-Jewish stereotypes notwithstanding, a number of turn-of-the-century Japanese converts were determined to forge a Christianity with a uniquely Japanese identity, and promulgated a uniquely daft form of philo-Semitism. In extravagant interpretations of Scripture and arche-

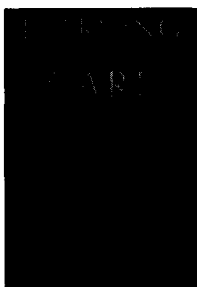
DANIEL L. ALEXANDER is a Research Associate at the Human Resources Policy Institute, Boston University School of Management. He was previously a personnel administrator for a major Japanese corporation.

ological evidence, these clergymen found confirmation of their "millennial fantasy" that the Jews and the Japanese were a fraternal "holy people" with a shared mission to usher in Christ's second coming. (Several present-day quasi-Christian sects in Japan echo this doctrine.) On an entirely different level, historical developments, particularly financier Jacob Schiff's fervent fundraising on behalf of Japan during the Russo-Japanese War, contributed to a fascination with what seemed to be the Jews' astounding business talents and powerful worldwide networks.

Virulent anti-Semitism regained its momentum, however, in a vicious xenophobic form with the translation and dissemination of *The Protocols of the Elders of Zion* by Japanese army officers after World War I. The grotesque appeal of this book has never waned in Japan, and for the last ten years variations on its themes have topped Japanese best-seller lists. As Goodman and Miyazawa point out, early editions of *The Protocols* had a phenomenal effect on vast segments of Japan's intelligentsia: on the one hand, they stoked the paranoia of ultranationalist right-wingers; and, perhaps more ominously for the fate of pluralism and freedom of conscience in pre-World War II Japan, the book transformed many fervent Marxist activists and philo-Semitic Christian thinkers into rabid anti-Semites and added them to the ranks of the right-wingers.

Goodman and Miyazawa agree that "sheer political cynicism" underlay Imperial Japan's use of this groundswell of anti-Semitism as its armies bid for mastery of Asia. As far as the Japanese government was concerned, "The real significance of anti-Semitism . . . was its usefulness in formulating and maintaining Japanese nationalist ideology and not in facilitating the persecution of Jews." By no means were Japan's leaders prosecuting the war to satisfy any "homicidal hatred" of the Jews, regardless of the Nazi-inspired propaganda they actively employed. On the contrary, the Japanese made strenuous efforts to coax Jews in Asia into joining the Greater East

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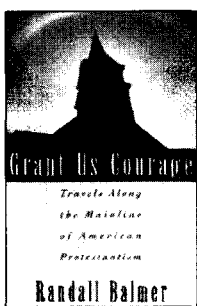
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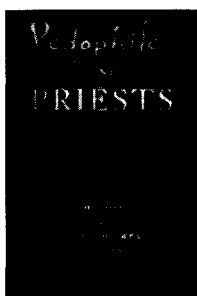
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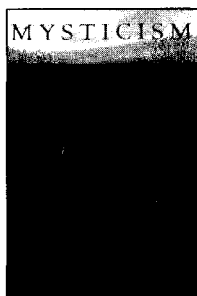
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Asian Co-Prosperity Sphere as willing subjects. Part of the government's aim in this instance was to prove to a domestic audience that the "Imperial Way of Universal Brotherhood" had inexorable appeal (to anyone without Anglo-Saxon bloodlines). Japanese leaders also staked their hopes, as Hebrew University historian Ben-Ami Shillony has noted in *The Jews and the Japanese*, on the chimerical Schiff-era notion that Asian Jewry could potentially offer Japan a wealth of connections to global trade and finance.

THE WRENCHING national trauma accompanying Japan's defeat and occupation in 1945 not only enlarged the range of images of Jews in Japan but also added to the dimensions of their use in ways that still exert a profound effect on Japanese political and cultural life. On the one hand, revelation of the Holocaust stripped away much of the

anti-Semitic imagery that had surrounded Jews in the Japanese mind. For "the first time the Japanese truly encountered the Jews as historical beings . . . achiev[ing] an unprecedented level of understanding and a degree of sympathy with the Jews that compares well with European countries." On the other hand, many Japanese eagerly seized on Holocaust-related themes of victimization and brutalization "as a means to obscure their wartime role and exculpate themselves" by posing as comrades in suffering with the Jews. One example of this tendency toward "obfuscation and denial" is the ongoing Japanese effort to equate the atomic bombings with the Holocaust.

Goodman and Miyazawa go on to explore the anti-Zionism embraced by Japan's deluded left in the 1960s and 1970s, as well as the concomitant moral blindness that led mainstream politicians, obsessed with the economy, to dance to OPEC's anti-Israel tune even as late as the Gulf War. The authors also perceptively place the recent resurrection of what Judaica scholar Yoshito Takigawa terms "page-three, crime story-style" anti-Semitic conspiracy theories in the context of a resurgent nationalism and frustrating "rich corporation-poor worker" conditions that have prevailed in Japan since the 1980s.

This generally excellent volume does have one possibly important shortcoming. Goodman and Miyazawa describe anti-Semitism as "an eruption of the darkness in modern Japanese history . . . a malign version of the basic patterns of Japanese culture." At a cultural level, however, this does not seem to account for the *volte-face* of hundreds of prewar intellectuals from Marxism and philo-Semitism to nationalistic anti-Semitism. How is it that patently inconsistent stereotypes of Jews are often juxtaposed in the same writings? What the authors ought to have done is depart from a historical examination of *what* the Jews are in the Japanese mind and offer some analysis of *why* the Japanese mind might function as it does in relation

to the Jews.

Japanese political scientist Masao Maruyama (briefly cited by Goodman and Miyazawa) offers some helpful insights in his landmark treatise *Nihon no Shiso* (Japanese Thought). Maruyama asserts that the Japanese intellect is a voluminous repository of ideas and traditions (both indigenous and imported) in which everything is maintained and expressed in the form it was initially received; the validity of one concept is never tested against another, and no idea or tradition hybridizes with another. The prewar changeover from Marxism to nationalism, in his view, exemplifies not only how the Japanese mind maintains a host of unadulterated philosophies, but also how unpredictably each can emerge or recede.

Jews in the Japanese Mind hints, then, at a deeper volatility in Japan's culture, one with important implications for America's relations with Japan. Undoubtedly, as the political analysts Richard Samuels and Michael Green suggest, "it is in the interest of the United States to appreciate that the debate between insularity and integration will continue to grip Japan." But appreciation will not be enough. As Goodman and Miyazawa indicate, if the U.S. really wants to "encourage and stimulate Japan's transformation," it has to both understand and refuse to condone the dark places in the Japanese mind.

The Religion-Free Classroom

RELIGION AND AMERICAN EDUCATION: RETHINKING A NATIONAL DILEMMA. By WARREN A. NORD. University of North Carolina Press. 481 pp. \$49.95.

Reviewed by Elliott Wright

THE QUESTION here is the hostility of American public education toward

ELLIOTT WRIGHT is at work on a history of religion in American public schools.

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religion. The issue is hardly new, but few scholars approach it as comprehensively as Warren Nord or are as prepared with a proposal for addressing at least part of the problem.

Nord's plan for teaching religion as religion under existing First Amendment jurisprudence will not please everyone who seeks more religion in the schools. It ignores basic concerns of prayer amendment advocates—indeed, Nord opposes school prayer. He does provide, however, a design that could give religion a serious place in public school pedagogy, and does so as a self-conscious liberal.

What Nord wants is "curricular neutrality" toward religion as a force both in history and in the "here and now." He envisions not only instruction on the world's religions, but also respect for religious claims in the contemporary multicultural mix. He wants religion to be presented as forcefully as science or economics—and thus goes far beyond what "teaching about religion" usually means.

Nord would accomplish his goal through special courses and by persuading, even forcing, educators to acknowledge religion as an integral part of liberal education. High school students, he says, should be required to study the world's religions, religion's role in modernity, and moral philosophy. Above all, he wants students to understand that religion is a vital reality. He would sanction school-sponsored visits to services of worship so that students could "experience" and "appreciate" ritual.

THE READER will not find the plan stated quite so succinctly in the book. Nord has an annoying way of stringing out his argument in scattered fragments. He gets systematic about the curricular scheme only in a few concluding pages, and he omits a clear explanation of why religion is an integral aspect of liberal education. The zealous choir already knows the reason, but what about the unpersuaded?

Nord, a professor of philosophy at the University of North Carolina at

Chapel Hill, writes primarily about elementary and secondary schools, but he offers some observations on higher education. One of his best chapters is on college-level "religious studies," in which he argues that religious studies courses misconstrue religion by focusing on sociology and neglecting theology. He insists that teacher preparation for religion classes in public schools include theology.

In developing his notion of "curricular neutrality," Nord takes on issues of linguistics and philosophy, but his main concern is the constitutional law produced by the Supreme Court's decisions on church and state. He deals particularly with Establishment Clause rulings, notably those—like *Everson v. Board of Education* (1947), *Abington Township School District v. Schempp* (1963), and *Lemon v. Kurtzman* (1971)—that require secular government be neutral both among religions and between the religious and the nonreligious. Whether by intention or misreading, Nord says, these decisions are used to equate secular interest with the nonreligious, thereby stacking the deck against religion in publicly funded schools. The lamentable result is "religion-free education" that "indoctrinates" the young into viewing secularism as the only frame of reference—a state of affairs neither neutral nor fair.

This argument may have implications not only for the curriculum but also for school prayer. Nord's "curricular neutrality" will likely give more aid to advocates of a prayer or "religious equality" amendment than comfort to strict separationists.

A tenet of Nord's theory holds that a neutral government must never take "sides on matters of profound disagreement" within the nation. Since school prayer is clearly a matter of profound disagreement, it seems to follow that government should reposit the question with local school boards, where it rested before the Supreme Court entered the fray in 1962. Professor Nord may want to check his liberal credentials at the door when he attends the next

Church/State Section of the American Academy of Religion.

Nord would excuse from his required religion classes students with personal or parental objections—and believers may join nonbelievers in refusing the classes, for Nord demands that the courses be rigorously relativistic. The truth of no particular religion could be taught—only the fact that religions claim truth. The claims of religion and science would get the same weight, but nothing could be taught as *the* truth. Nord does not consider that widespread opposition to vigorously taught comparative religion might arise.

THE SUPREME COURT in this book is less an active culprit in causing religion-free education than a codifier of the effects of secularization. Nord devotes more pages to the process of public school secularization than his neutrality thesis requires and

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RICHARD JOHN NEUHAUS
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fewer than would be necessary for a thorough cultural history of religion and education. Sweeping generalizations abound. A briefer, more cogent summary of public school secularization might have traced the repeated attempts across the twentieth century to move the public schools in the direction he desires.

Actually, Nord is not battling *secularity*, which is the unavoidable condition of the American nation as a non-ecclesiastical state. His target is *secularism* as an ideology. American public schools have been secular since they emerged as common schools in the 1830s. For a century they certainly had close affinity with religion—primarily religion refracted through Protestant moral and cultural norms. But public schools in this country have rarely engaged in the study of religion as such. Nord is proposing not so much a restoration as the creation of something new in response to a shift from an enforced Protestant culture to de facto religious pluralism and de jure secularism.

Nord is perceptive in revealing secularism as an operative religion within the educational and legal establishments. He is on point in calling the multicultural education industry to task for its neglect of religion as a cultural marker. He wisely cautions the “character education” minions against the assumption that morality exists apart from religion in the real world.

Contemporary America betrays a want of moral seriousness. In designing the curriculum, in writing textbooks, in educating teachers, we do not keep in mind that education is first and foremost a moral enterprise. Religion must have a central role in all of this. The idea that students can be educated about how to live, what kind of person to be, *without* taking religion seriously is at least illiberal and quite possibly absurd.

The author correctly acknowledges that failure by the public

schools to deal with the linked issues of religion and moral education will lead inevitably to a voucher system. Nord finds no constitutional problem with vouchers; he is merely unsure they are socially sound. He worries about the poor who still might not have enough resources to afford a good school. Still, he sees vouchers as an option and holds them as a club over public educators' heads.

The appeal for curriculum neutrality deserves serious consideration among educators, politicians, and religious thinkers. Nord may not offer a panacea, but he has an educational agenda more specific than usually comes from those who bemoan the lack of religion in the public schools. His program might not be right, but it is at least a program.

BRIEFLY NOTED

PHILOSOPHY AND LAW. BY LEO STRAUSS. Translated by EVE ADLER. *State University of New York Press.* 157 pp. \$14.95.

In a time when the students of the late Leo Strauss are in various ways advocating “Straussianism,” it is good to have a definitive translation of the book in which the young Strauss himself began to present his position. The poignancy of the place and date of this book (Nazi Germany, 1935) and the Jewishness of its author should not be lost on the reader inasmuch as the book is a call for an intellectual return to the medieval rationalism of the twelfth-century Jewish theologian Maimonides in place of modern ideologies (the most monstrous of which had already targetted Leo Strauss and his fellow German Jews). Maimonides allows for both revelation and reason and a creative tension between the two, whereas modern ideologies deny the necessary role of both, with the result that both the life of practical excellence and the life of contemplative excellence are denigrated. Strauss' largely textual and histori-

cal study has profound implications for contemporary political thought, the field in which the more mature Strauss made his mark. Eve Adler's translation is a welcome replacement for a seriously deficient English translation of 1987, and her brief introduction captures the very essence of Strauss' message in this by now classic work.

—David Novak

REINHOLD NIEBUHR AND CHRISTIAN REALISM. By ROBIN W. LOVIN. *Cambridge University Press*. 255 pp. \$54.95 cloth, \$16.95 paper.

As Robin W. Lovin explains in this scholarly but accessible treatment, Reinhold Niebuhr's political realism—i.e., his attentiveness to the facts of power and self-interest—was of a piece with a larger realist worldview, moral and theological as well as political. Because he used experience and coherence rather than metaphysics to make the case for Christian ethics and theology, Niebuhr is sometimes accused (or at least suspected) of reducing Christianity to pragmatism. But Lovin argues persuasively that Niebuhr *did* accept the reality of Christianity's moral and religious claims, not just their social or intellectual expedience. Niebuhr employed pragmatism, in effect, pragmatically, not as a final proof of Christianity's truth but as the best way to make the Christian case in terms intelligible to the modern world, particularly in America. Sympathetic readers have all along had this sense about Niebuhr's relation to pragmatism and naturalism, but Robin Lovin makes an important contribution by demonstrating that Niebuhr "used" pragmatism, not Christianity.

THE NINE LIVES OF POPULATION CONTROL. Edited by MICHAEL CROMARTIE. *Eerdmans*. 178 pp. \$14 paper.

Although discredited again and again, agitations to do something about an impending "population explosion" keep coming back. Seldom are the pertinent questions so intelli-

gently addressed as in this excellent collection of essays (two of which appeared in the pages of this journal). The pertinent data are marshalled, opposing views are fairly stated and discussed, and the authors then present their best judgment. Recommended as a ready reference on a perennial controversy.

THE INVISIBLE GOD: THE EARLIEST CHRISTIANS ON ART. By PAUL CORBEY FINNEY. *Oxford University Press*. 319 pp. \$45.

A provocative—dare one say iconoclastic?—argument against the conventional wisdom that iconography and other arts gained Christian favor only with the "corruption" of the Church by Hellenistic influences. That is the line pressed by an army of worthies from John Calvin through Adolph Harnack, and still much favored, especially by Protestants, today. In fact, argues Finney, when the early Christian apologists

spoke disparagingly about art and artists, they were pandering to their pagan readers. It was the Hellenists, particularly those of a Platonist disposition, who were most opposed to the representation of the spiritual through the use of the material, and the apologists were trying to curry favor with the pagan despisers of Christianity of that day. There are many pieces to Finney's argument, making it a book that will both encourage and instruct those who believe there is an inherent compatibility, indeed reciprocal necessity, between Christian faith and the visual arts.

PEDOPHILES AND PRIESTS. By PHILIP JENKINS. *Oxford University Press*. 207 pp. \$25.

Since publishers are not indifferent to sales, the unfortunate title is predictable. In no way, however, is this a sensationalistic treatment of the last decade's publicity surrounding in-

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stances of clerical sexual abuse, notably by Catholic priests. On the contrary, Jenkins, a professor of history and religious studies at Penn State, has given us a remarkably calm and judicious analysis of the scandals and, most importantly, of the way in which diverse parties have used them to advance their quite different purposes. Catholic traditionalists have used clerical malfeasance to advance their attack on liberal permissiveness, calling on bishops to assert greater control, while liberals have publicized the scandals in order to discredit the hierarchical structure of the church and agitate for such measures as married and women priests. The media exploitation of scandal comes in for close attention as well, and Jenkins offers a refreshingly balanced analysis of the ways in which anti-Catholicism is and is not a factor in media coverage. Along the way, the author provides a marvelously nuanced and well-informed account of the contending forces within American culture and religion, also outside the many worlds of American Catholicism. Especially telling, and disturbing, is his demonstration that Church authorities responding to sexual scandal have typically accepted in an uncritical way the culturally dominant notions of therapeutic treatment, largely abandoning traditional Christian approaches to sin and grace. This is contemporary religious and cultural history the way it should be written.

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CAUGHT IN THE CROSSFIRE: HELPING CHRISTIANS DEBATE HOMOSEXUALITY. Edited by SALLY GEIS and DONALD MESSER. Abingdon. 206 pp. \$12.95 paper.

A handbook for teaching about the Christian understanding of homosexuality, this collection gathers essays on either side of a set of divisive issues: homosexual ordination, homosexual marriage, biblical teaching on homosexuality, etc. The essays are interesting, but the editors, in their relentless claim to be superior to the debate, actually succeed in teaching only a sort of "super-ethics" that some readers may think invalidates all the essays in the collection.

VERITATIS SPLENDOR: AMERICAN RESPONSES. Edited by MICHAEL E. ALLSOPP and JOHN J. O'KEEFE. Sheed & Ward. 313 pp. \$19.95 paper.

Twenty essays make up a mixed but valuable bag of responses to and analyses of the encyclical on moral theology, *Veritatis Splendor*. Essays range from the condescendingly dismissive to the critically appreciative to the thoughtfully admiring. All in all, the collection serves to advance the reflection that John Paul II called for, even though some authors clearly reject the substance of his argument.

THE BASIC SYMBOLS OF THE AMERICAN POLITICAL TRADITION. By WILLMOORE KENDALL and GEORGE W. CAREY. Catholic University of America Press. 168 pp. \$14.95 paper.

This conservative classic, first published 25 years ago, employs the thought of Eric Voegelin to argue that American politics and law took an ominous wrong turn with Lincoln's grounding of the tradition in the open-ended promises of the Declaration of Independence. A quarter century later, today's interest in a new federalism is catching up with aspects of the argument advanced here.

HANDBOOK OF CATHOLIC THEOLOGY. Edited by WOLFGANG BEINERT and FRANCIS SCHÜSSLER FIORENZA. Crossroad. 783 pp. \$75.

It seems a little eccentric in what is included and what is left out, but, all in all, this is a balanced and useful guide to Catholic theology, and is accessible also to lay readers. Almost every article covers the biblical foundations of a teaching, its historical development, and its status with respect to ecclesial authority. It is not intended as the last word on anything, but it is a generally helpful word on nearly everything.

EUTHANASIA, CLINICAL PRACTICE, AND THE LAW. Edited by LUKE GORMALLY. Linacre Center. 234 pp. \$12.95 paper.

A collection of very valuable materials, including the 1993 testimony to the House of Lords' Select Committee on Medical Ethics, which helped persuade the committee to conclude unanimously that euthanasia and assisted suicide should not be legal in the U.K. In addition, there are philosophical and theological examinations of euthanasia, together with an informative update on legal trends and medical practices in the Netherlands. First published by the Linacre Center in London, the book is available here from Hackett Publishing Co., Box 44937, Indianapolis, IN 46244.

ORIGINS OF THE SALVATION ARMY. By NORMAN H. MURDOCH. University of Tennessee Press. 240 pp. \$32.

In a time when there is a chance to go back to square one in rethinking our responsibility to the poor, this scholarly study could become a tract for the times. William and Catherine Booth began as Wesleyan evangelists in the 1850s and ended up proposing a plan for the reformation of the world in 1890. That is the period studied by Norman Murdoch, but the Salvation Army is still going strong, even though the world is far from reformed, and the author has some useful thoughts on what

the legacy of the Booths might mean for today.

A CHOSEN DEATH. By LONNY SHAVELSON. *Simon & Schuster*. 240 pp. \$23.

By including one story about a dying man who did not kill himself, this account of five deaths claims to have found a fair and sensitive middle ground between the proponents and the opponents of mercy killing. Of course, by presenting the man's non-suicide as a "choice," equal to the choice of death, *A Chosen Death* in fact plumps wholeheartedly for the right of the dying to compel their doctors and families to murder them. The book's structure as a collection of stories and its self-proclaimed (and self-congratulatory) "compassion" are masks that hide its surprisingly weak analysis of the political, ethical, and philosophical arguments involved in euthanasia. Unintentionally, the book also tells the sad story of how Hospice (a movement originally intended to return care of the dying to the home and family) was betrayed into the hands of the mercy killers and became, for some of its members, an agent of assisted suicide.

NOTES FROM A WAYFARER. By HELMUT THIELICKE. *Paragon*. 422 pp. \$29.95.

Thielicke, who died in 1986, was widely recognized as one of the great preachers of the twentieth century, and his scholarly works in theology still exercise considerable influence today. In this autobiography he engagingly relates the curious turns—ever providentially guided—of a life that yielded some of the best apologetics in our time for the Christian way. He lost his academic position under the Nazis, which resulted in his development as a preacher, and in the late 1960s he believed he saw something very Nazi-like in the student radicalism of the time, which

resulted in his being attacked as a pillar of the much-despised establishment. *The Waiting Father*, his first and most popular book published here, remains a classic of the homiletical uses of biblical scholarship, and his writings on Christian sexual ethics remain entirely pertinent to our present circumstance. As to whether he was Lutheran, Reformed, or something else, Thielicke remained somewhat coy, which perhaps enhanced his appeal to diverse audiences. An insightful foreword by Lutheran scholar (and now bishop) H. George Anderson.

THE HUMILIATION OF SINNERS. By MARY C. MANSFIELD. *Cornell University Press*. 343 pp. \$39.95.

With the publication of this volume, the general reader may now learn how promising and serious a young scholar was lost in the tragic 1989 automobile crash that killed Mary Mansfield at age twenty-nine. Educated at Cornell and Oxford, Ms. Mansfield wrote *The Humiliation of Sinners* as her doctoral dissertation at the University of California at Berkeley. Medievalists often put forward the claim that the Fourth Lateran Council, by its decree in 1215 requiring every Christian to attend confession during Lent, prepared the ground for the strong Renaissance and Modern distinction between the public and the private realms. With the elimination of public penance, in this interpretation, Christians lost the social unity of Christendom, leaving merely public excommunication imposed by judicial trial in the public courts of the Curia and private penance imposed by trial of conscience in the private courts of the confessional. By careful reading in a wide range of manuscripts, however, especially from Northern France, Ms. Mansfield demonstrates the survival of public penance long after the penitential revolution to which the Fourth Lateran Council gave official sanction.

Neither denying that penitential revolution nor exaggerating its effect, she shows that the public humiliation of sinners remained an important part of high medieval culture—a part that, by contributing to the development of a new understanding of the concept of shame, contributed greatly to the social unity of the late Middle Ages. *The Humiliation of Sinners* is a young scholar's book, with the occasional missteps that young scholars make. But it is an important book, indicating that Mary Mansfield (the daughter of Harvey Mansfield, the distinguished professor at Harvard University) might have gone on to be one of our most original and important scholars of medieval history.

THE DEFEAT OF THE MIND. By ALAIN FINKIELKRAUT. *Columbia University Press*. 165 pp. \$22.95.

In 1987, the same year in which Allan Bloom published *The Closing of the American Mind*, Alain Finkielkraut published in French this brief, aphoristic plaint on the decline of the Enlightenment spirit in Europe—and thereby found in France much the same *succès du scandale* that Bloom found in America. Available now in English translation, this pithy book traces the betrayal of the Enlightenment to the naive errors made by the Romantics, the willful errors made by the Nationalist Socialists, and the celebration of error made by the Postmodernists. We have at last, Finkielkraut claims, a European culture that has lost any sense of itself and seems devoted only to teaching "youthfulness to the young." Though antireligious in an old-fashioned, Voltairean sort of way, and oddly determined to present Emile Zola and the Dreyfusards as the apotheosis of Enlightenment thought, *The Defeat of the Mind* is nonetheless a welcome reminder that even in France—the birthplace of postmodernism—voices are raised against contemporary intellectual and social lunacy.

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Richard John Neuhaus

THE USES OF ENVY

There is no end to efforts to define what makes a book a classic. Inevitably, there is a strongly subjective element here. A book that one engages at a formative stage of his thinking may not be the greatest book on the subject, but it is the book that forever shapes one's thinking about that subject. Numerous other books and articles appear on the same subject, some of them very good, but they immediately call to mind, and are overshadowed by, that earlier work that one begins to call a classic. At least that has been my experience.

A case in point is Helmut Schoeck's *Envy: A Theory of Social Behavior* (1969). In this instance, the experience is shared by many others who deem this study a classic. Schoeck, then a professor of sociology at Johannes Gutenberg University in Mainz, provides a fascinating account of the myriad ways in which thinkers have through the years devised elaborate theories of equality that frequently disguise the passion that motors such theories, namely, the vice of envy. From Roman and medieval "sumptuary laws" to this century's socialist schemes for the redistribution of wealth and the abolition of private property, envy has been a powerful but little acknowledged force in political and economic thought.

Schoeck once more comes to mind because of what appears to be a growing number of articles these days lamenting what we are told is an alarming concentration of wealth of America. Particularly in religious circles, this development is routinely condemned as unjust, obscene, and so forth. Such concentration, it is asserted (also by some of our readers), demonstrates once again the morally intolerable circumstance in which the rich get richer and the poor get poorer, and so forth. Such rhetoric

is employed to barely concealed partisan purposes, aiming to demonstrate that periods of economic growth and perceived prosperity only exacerbate the injustice of the rich getting richer, and so forth.

Except for ideologues on the marginal left, writers today are hesitant to advocate the more nakedly socialist proposals for creating a more egalitarian, i.e., more "just," distribution of wealth. The more common proposal is that dramatic inequalities of wealth pose the danger of generating socially destabilizing resentments of inherited class privilege. Now in fact, and much to the distress of economic egalitarians, the American people have proven themselves to be stubbornly unresentful of the rich. In the view of many, this is a chief reason why more candidly socialist proposals have never gained much of a popular constituency in this country, in sharp contrast to, for example, developed societies in Europe. Americans, rightly or wrongly, have this idea that the future is open and the rich of today represent the success that they or their children may achieve tomorrow. In addition, and equally frustrating to the practitioners of the politics of resentment, study after study suggests that most Americans do not think wealth is anywhere near being the main measure of a successful life. Although he does not make a point of it, Schoeck's analysis of the politics of envy highlights yet another dimension of what is commonly called American exceptionalism.

This is written upon my return from our fourth annual seminar in Poland on Christian teaching regarding the free and virtuous society. (We call it the Centesimus Annus Seminar, referring to the 1991 encyclical on these questions.) The students from Central and Eastern Europe, while recognizing that the virtues (as well as the vices) of the free economy are beginning to take hold in their countries, are almost unanimous in saying that people who are getting rich are thought to be crooks. One reason for that is that many of them are crooks, especially former Communist officials who use their connections to turn state-owned enterprises and regulatory powers into private wealth, with the help of economic mafias that are not restrained by the legal and cultural systems essential to a genuinely free economy. Too often in these countries, property is, as a matter of simple fact, theft. Perhaps it takes several generations of experience in which people are seen to be producing and accumulating wealth

in a morally legitimate manner in order to build up a social immunity to the politics of envy and resentment. We can only hope that the formerly Communist societies are given time for that.

Fifteen Minute Aristocrats

American exceptionalism does not necessarily betoken our moral superiority as a people. Numerous circumstances conspired to create our relative freedom from the politics of economic envy, not least among them being the absence of an established aristocracy of inherited wealth. Our aristocracies of “the rich and famous” have more to do with the celebritydom of Andy Warhol’s famous fifteen minutes than with great families of inherited privilege. There are, of course, the Rockefellers, DuPonts, and Kennedys, but in terms of wealth beyond the dreams of avarice, they are put in the shade by the Wall Street artists of junk bonds, leveraged buyouts, and other devices that reward individuals with annual incomes of many millions.

For such people money is typically not for extravagant spending nor for establishing dynasties but mainly a way of keeping score in the games of economic combat. And, no doubt with some exceptions, the millions of Americans who follow their goings-on in the celebrity magazines resent them no more than they resent athletes with multimillion-dollar contracts. Which is not to say that there are not a substantial number of Americans who are ideologically tutored in the vice of envy, embracing it as a virtue when it is dressed up as commitment to equality. Once again we are hearing calls for higher taxes on inheritances to prevent a widening of class divisions. Such calls are up against the current political enthusiasm for tax cutting, and so are not likely to be enacted, but they fuel the morally satisfying feelings of those given to a high state of indignation at the supposed injustice of the system.

As it happens, inheritance plays a very small role in the distribution of wealth. For instance, a new study released by Rand, a research group based in Santa Monica, California, indicates that the main determinants of wealth are health, marital status, and income. “More than 90 percent of current wealth inequalities have nothing to do with financial inheritances,” says the study, based on research done in cooperation with economists at the University of Michigan. Actually it is much more than 90 percent, since, according to Robert D. Reischauer of the Brookings Institution, inherited wealth is a major factor for perhaps less than 1 percent of the population, a sector so small that it is hard to generalize about the people in it. For the top 5 percent of households with someone fifty-one to sixty years old, assets total \$843,598. Take away inheritances, and the figure is \$780,641, not much of a difference.

Health is a big factor, for the obvious reason that healthy people can work longer and have lower medical bills. More interesting is the marriage factor. Married respondents had four times the median assets of divorced respondents. Is it because married people tend to accumulate wealth, or because savers tend to be married? Nobody knows, but it appears that the old song about love and marriage applies also to wealth and marriage—they go together like horse and carriage.

And so to the indignant reader who is outraged by economic inequalities, no, I can’t work up much interest in hiking taxes on inheritances. I am simply not offended by the report that Ross Perot, for example, has assets of \$2.5 billion. Presumably he’s not stuffing it in a mattress but has it invested where it is, in the language of *Centesimus Annus*, expanding the circle of productivity and exchange. Studies tell us that if we had a one-time redistribution of all the wealth in America in an absolutely equal manner, the result would be about \$20,000 for every man, woman, and child. It’s the kind of thing that could only be done once, and would deprive economic egalitarians of a “social justice” agenda for next year.

If I sound insouciant about economic inequality, it’s not because of ideological enthusiasm for capitalism but because I believe with Dr. Johnson that a man is seldom so innocently employed as in the making of money. It should be strongly encouraged among the poor, a suggestion that only offends those who assume that the poor are humanly incompetent, or who despise the lowly beginnings of making money by, for instance, holding a steady job. To be sure, it’s not all innocence. We are told that it’s near impossible for a rich man to enter the Kingdom of God, and we must be concerned for the souls of the very rich—and for the souls of the slothful, the indignantly judgmental, and the envious. And for our own souls, of course. Prompted by the current discussion of economic inequality, and by letters from readers who are worried about our neglect of the subject, I revisited *Envy: A Theory of Social Behavior*. It’s status as a classic again seems secure. It is highly recommended Schoeck therapy, so to speak, for those who confuse envy and resentment with a passion for justice.

FT

THE TRIUMPH OF IMAGOLGY

Milan Kundera has served up some delightful, and

sometimes disturbing, entertainments, such as *The Joke*, *The Book of Laughter and Forgetting*, and *The Unbearable Lightness of Being*. Born in what was Czechoslovakia, and now living in France, Kundera relentlessly and often hilariously exposed "the lie" of Communism and proposed the alternative of what Vaclav Havel called "living in truth." Kundera's more recent *Immortality* is less a novel than a collage of cultural and philosophical commentary strung out on the bare bones of a story. But it has marvelous moments more than worth the reading.

He notes, for instance, the triumph of "imagology" over ideology. Toward the end, he says, it was obvious that Marxism was no longer a logical system of ideas, "but only a series of suggestive images and slogans (a smiling worker with a hammer; black, white, and yellow men fraternally holding hands; the dove of peace rising to the sky; and so on and so on)." Not only with Marxism but much more generally, we were witnessing a "planetary transformation of ideology into imagology," and he suspects that there is no turning back.

"Of course, imagologues existed long before they created the powerful institutions we know today. Even Hitler had his personal imagologue, who used to stand in front of him and patiently demonstrate the gestures to be made during speeches so as to fascinate the crowds. But if that imagologue, in an interview with the press, had amused the Germans by describing Hitler as incapable of moving his hands, he would not have survived his indiscretion by more than a few hours. Nowadays, however, the imagologue not only does not try to hide his activity, but often even speaks for his politician clients, explains to the public what he taught them to do or not to do, how he told them to behave, what formula they are likely to use, and what tie they are likely to wear. We needn't be surprised by this self-confidence: in the last few decades, imagology has gained a historic victory over ideology."

The triumph of imagology is a kind of "virtual reality" that has displaced reality. "All ideologies have been defeated: in the end their dogmas were unmasked as illusions and people stopped taking them seriously. For example, Communists used to believe that in the course of capitalist development the proletariat would gradually grow poorer and poorer, but when it finally became clear that all over Europe workers were driving to work in their own cars, they felt like shouting that reality was deceiving them. Reality was stronger than ideology. And it is in this sense that imagology surpassed it: imagology is stronger than reality, which has anyway long ceased to be what it was for my grandmother, who lived in a Moravian village and still knew everything through her own experience: how bread is baked, how a house is built, how a pig is slaughtered and the meat smoked, what quilts are made of, what the

priest and the schoolteacher think about the world; she met the whole village every day and knew how many murders were committed in the country over the last ten years; she had, so to speak, personal control over reality, and nobody could fool her by maintaining that Moravian agriculture was thriving when people at home had nothing to eat. My Paris neighbor spends his time in an office, where he sits for eight hours facing an office colleague, then he sits in his car and drives home, turns on the TV, and when the announcer informs him that in the latest public opinion poll the majority of Frenchmen voted their country the safest in Europe (I recently read such a report), he is overjoyed and opens a bottle of champagne without ever learning that three thefts and two murders were committed on his street that very day."

Although he does not mention the encyclical *Veritatis Splendor*, Kundera offers a nice explanation of what John Paul II deplores as "the democratization of truth." Kundera writes: "Public opinion polls are the critical instrument of imagology's power, because they enable imagology to live in absolute harmony with the people. The imagologue bombards people with questions: how is the French economy prospering? is there racism in France? is racism good or bad? who is the greatest writer of all time? is Hungary in Europe or in Polynesia? which world politician is the sexiest? And since for contemporary man reality is a continent visited less and less often and, besides, justifiably disliked, the findings of polls have become a kind of higher reality, or to put it differently: they have become the truth. Public opinion polls are a parliament in permanent session, whose function it is to create truth, the most democratic truth that has ever existed. Because it will never be at variance with the parliament of truth, the power of imagologues will always live in truth, and although I know that everything human is mortal, I cannot imagine anything that could break this power."

One must hope that that is an excessively bleak assessment. So long as there are people like Kundera around to point out what is happening, the spell of imagology is not complete.

FT

A LUTHERAN VALEDICTORY

Remembering all and learning nothing, or at least very little. The thought comes to mind upon reading a valedictory interview with Herbert W. Chilstrom, recently retired head of the Evangelical Lutheran Church in America (ELCA). Few who know him

will dispute that Bishop Chilstrom is a gentleman of earnest purpose and modest demeanor. Few who know the ELCA will dispute that his leadership was lackluster at best and disastrous at worst. During his eight years at the helm, the ELCA, formed in 1987, sailed into waters that were alternately tumultuously stormy or becalmed in institutional stasis, but without evident destination. There is that old question about what do you get when you cross a Unitarian and a Jehovah's Witness. Answer: Someone who goes around knocking on doors with nothing in particular in mind.

To return to the nautical metaphor, during eight years of drift and storm, financial support fell off drastically. Chilstrom says it was "excruciating" to deal with a \$17 million budget deficit. "But, when it was done and I realized, 'OK, we can live with this,' it was satisfying." The captain was unflappable. He regrets that mission work came to a standstill and other programs could not be funded. "I don't know what the answer is," he says. "We just can't seem to move our people to give more than 2 to 3 percent of their spendable income." There is no mention of the fact that, as in most mainline Protestant churches, the people continue to give generously, but funds are increasingly withheld from national bureaucracies in which the lay people—along with pastors and regional bishops—have lost confidence.

Asked about other disappointments, Chilstrom responds: "Then, the church's discussion of human sexuality and especially the inability to deal with the gay/lesbian question weighs heavily on me. I recognize, of course, the centuries of attitudes about this subject. And I know that not everyone has been forced to move through this question as I have because of my position of leadership as a synod and churchwide bishop, but I feel keenly disappointed that this church has not been able to convey to our gay/lesbian members—brothers and sisters in Christ—that they stand on level ground with us. It's almost a leprosy attitude that many have toward gay and lesbian people. I've become reconciled to the fact that the church can't deal with this in a formal way. We may have to work through it in individual, personal, family, and workplace settings before much progress is made."

The reference is to an ELCA proposal for radically changed teaching on human sexuality that provoked a massive negative reaction from the parishes. Chilstrom says he was shocked by the "vitriolic anger" in some of those reactions, but nowhere does he recognize that there were substantive arguments advanced against the proposed departure from biblical and Lutheran tradition. The problem, in his view, is only that "not everyone has been forced to move through this question as I have." He adds, "While I think I have done a great deal to frame the questions and move people along in this discussion, have I done enough?

I don't know." In his impenetrable insouciance, the question apparently does not occur to him whether there are people every bit as thoughtful, informed, experienced, and compassionate as he who have arrived at different conclusions about what is normative in Christian sexual ethics.

And he has another disappointment: "We have not made as much progress in multicultural changes as we hoped. Our commitment to the representational principles is right . . . but I don't sense that at the grass roots there's a vigorous commitment to becoming a multicultural church. Quite the opposite." Quite the opposite indeed. From its beginning as a self-declared "new church," the ELCA structured itself along rigid lines of "representational principles" in the form of quotas, which means that every question of faith, life, and mission is decided not by reference to truth (e.g., the Bible, sixteenth-century confessions, or theological reflection) but by the sensibilities and ambitions of gender- and race-based interest groups. It is now widely recognized in the ELCA that the original error, maybe the original institutional sin, in forming the new church was the decision to order its faith and life by representational principles. But it manifestly is not manifest to Bishop Chilstrom.

The inescapable inference is that if there were what he calls "disappointments" during his watch, they are attributable to the ignorance and bad faith of those who did not see things his way. As for retirement plans, the bishop says he enjoys golf, hunting, gardening, and photography. One wishes him well in his new pursuits, in the hope that they will provide greater warrant for his satisfactions.

FT

... AND NEW BEGINNING

I don't now where one finds the protocols for commenting on developments in one's former ecclesial home. But, apart from being prompted by a continuing personal interest, a "survey of religion and public life" can hardly ignore the significant factor that is the Evangelical Lutheran Church in America (ELCA). And it's nice to be able to comment on something hopeful, such as the election of H. George Anderson as the new bishop of the ELCA. The first and perhaps most important thing to say is that Anderson, formerly president of Luther College in Decorah, Iowa, is a theologian. It is generally thought that Anderson could have been elected head of the Lutheran Church in America, a predecessor body to the ELCA, and also the first bishop of the ELCA. He declined both possibilities then, in large

part because of the sickness and subsequent death of his wife. Although he has not said so publicly, one expects that his willingness to accept the office now is related to his recognizing, along with almost everyone else, that the ELCA is in crisis.

On a long list of Bishop Anderson's virtues is his solid track record of ecumenical commitment. It no doubt comes much farther down on the list, but we also like very much what he had to say about adoption in an interview given on the day of his election. Long-time readers know our concern about the current campaign against adoption, a campaign also pushed among former leaders of the ELCA. Social work bureaucrats, race politicians, advocates of a twisted version of children's rights, and others have in recent years made it more and more difficult to adopt the millions of children who need homes. A major force in this campaign is also the pro-choice advocates (including almost everyone in the groups mentioned) who are adamant that adoption not be encouraged as an alternative to a woman's exercise of her "reproductive rights." One of the most potent weapons of the campaign is the promotion of "open adoption," which gives biological parents the opportunity to disrupt the adoptive family by later asserting parental rights without accepting parental responsibility.

In his statement, Anderson compared adoption with the unconditional love of God. Adopted sixty-three years ago when he was six weeks old, Anderson says, "Adoption has been a gift with me all my life; a feeling of being appreciated and valued by someone." It is, he says, "a sense of guiding and providence in my life." Key to his being adopted, he pointedly noted, was a sense of security and confidence. Without such security and confidence—without knowing that these really are your parents and you are their child—adoption becomes a jerrybuilt expedient ever vulnerable to psychological anxieties, outside intrusion, and legal dissolution. "Open adoption" precludes security and confidence. Adoption, if it is to work, is a decision made and a case closed. It is indeed unconditional, as in the love of God.

Adoption is not the only nor the most important question that H. George Anderson addressed upon becoming bishop of the ELCA, but it is important. Addressing an August meeting in Pennsylvania, he declared that the church has no message but "the gospel handed down to us. . . . The Church must understand we can no longer be the voice of our culture, but an alternative to our culture—to proclaim an alternative to what the culture has found is so attractive, but so shallow and damaging." Given my abiding affection for a former ecclesial home, an affection which, I am glad to report, is for the most part generously reciprocated, and given the duties attending a continuing survey of religion and public life, I have no doubt whatever that there will

be further occasions for comment on the promising leadership of Bishop H. George Anderson.

FT

PICTURE PERFECT BABIES

Since we ran Elizabeth Kristol's powerful article "Picture Perfect: The Politics of Prenatal Testing" (April 1993), I've noticed more public questioning of routine prenatal testing, done with an eye toward aborting the defective. For instance, Dominic Lawson, a columnist for the *London Spectator*. He and his wife recently had a Down's syndrome child, and he wrote very affectingly about how this has compelled him, a self-described atheist, to think more clearly about "the sanctity of life."

The article elicited a number of striking letters to the editor, including this from an Alison Davis: "I have severe spina bifida and am a full-time wheelchair user. I also run the Handicap Division of the Society for the Protection of Unborn Children—a group of disabled people, their families, and carers who campaign for the equal right to life of all disabled people. It is difficult for me to express my appreciation of your positive, loving attitude towards your daughter, since it means so much to me. I feel that your acceptance embraces all disabled people, and it represents such a radically different view to the one more commonly expressed. Every day I read in the press about 'exciting breakthroughs' which mean yet another way to kill people like me before birth, and occasionally there are reports of doctors who starve to death born babies with my degree of disability because they think we are 'better off dead.' They never stop to think of the terrible unhappiness they cause disabled people—ironically enough in the name of 'relieving suffering.'"

James Wood writes that his wife, who is over age thirty-five, has twice undergone the amniocentesis test. While both children turned out to be healthy, Lawson's column prompted him to reflect on how readily he and his wife acquiesced in the doctor's insistence that they have the test. He writes: "As a Roman Catholic (somewhat lapsed) I have always felt that I had a sort of protective shield from moral dilemmas that might involve the issue of abortion, as though being a Roman Catholic were protection itself. I now realize that the sanctity in which I held the Church has somehow mysteriously been transferred to doctors. Shamefully, I believe that had I been told that either of my children would be born with Down's syndrome and that respected medical opinion suggested an abortion, I would have replied

with, 'Well, if you say so, doctor.' Why is the phrase 'I was only following orders' ringing in my head?"

Then there is this from E. Eyre: "Sir: I write to express the delight all parents of a Down's syndrome child must feel over Dominic Lawson's courageous account of his reactions to the birth of his new little daughter, Domenica. He has only been the parent of a special child for two weeks, yet he has got it all right. Down's syndrome children bring extraordinary blessings to the families which they are permitted to join. They are stars in an increasingly materialistic world. Those of us with a Down's syndrome child (our son, Robert, is almost twenty-four) often wish that all our children had this extraordinary syndrome which deletes anger and malice, replacing them with humor, thoughtfulness, and devotion to friends and family. We may start with aching hearts and the sense of bereavement he describes so well, but, within a year, we begin to realize that these children have so much to teach us about what really matters. Thank heaven they are still somehow getting born in all countries, in all levels of society, and to all ages of parents."

One reader takes strong issue with Lawson, contending that the national health service should continue to offer free abortions when defects are detected in the unborn. "The Chinese method, leaving babies in a 'dying room,' because of defects or because the babies are simply not wanted, is wholly repugnant to me, but is it therefore not preferable to abort the fetus, if this is the mother's wish, because she could not cope? . . . Mr. Lawson is talking from an enlightened point of view. He has accepted his child for what she is and will ensure she will get the best of everything, above all love. Would that all parents were like that. Alas, they are not." Some parents may not love their children. Therefore they should be killed. The children, that is. Earlier rather than later. Anything else is wholly repugnant to the writer.

FT

THE PARTY OF THE PRESUMPTIVE WE

A regular source of amusement cum annoyance is the encounter with contemporary thinkers who presume to tell us what "we" think. An example of the type is Bernard Williams' *Shame and Necessity* (University of California Press), in which the so-distinguished moral philosopher of Oxford and Berkeley explains to us that our moral circumstance is very much like that of the ancient Greeks before

Plato, Aristotle, and, most particularly, Christianity imposed their meanings upon our meaningless universe.

The following paragraph sums up "our" problem: "We are in an ethical condition that lies not only beyond Christianity, but beyond its Kantian and its Hegelian legacies. We have an ambivalent sense of what human beings have achieved, and have hopes for how they might live (in particular, in the form of a still powerful ideal that they should live without lies). We know that the world was not made for us, or we for the world, that our history tells no purposive story, and that there is no position outside the world or outside history from which we might hope to authenticate our activities. We have to acknowledge the hideous costs of many human achievements that we value, including this reflective sense itself, and recognise that there is no redemptive Hegelian history or universal Leibnizian cost-benefit analysis to show that it will come out well enough in the end. In important ways, we are, in our ethical situation, more like human beings in antiquity than any Western people have been in the meantime. More particularly, we are like those who, from the fifth century and earlier, have left us traces of a consciousness that had not yet been touched by Plato's and Aristotle's attempts to make our ethical relations to the world fully intelligible."

Fifteen times in one paragraph there is "we," "us," or "our." One recalls Tonto's famous retort to the Lone Ranger as the Indians were attacking. Obviously, the "we" does not include people who think Aristotle makes pretty good sense of our ethical relations to the world, or are persuaded that the Christian account of reality is, well, true. For Mr. Williams, such people simply are not part of "our" universe of discourse. As with John Rawls in *Political Liberalism*, people who come with a comprehensive account of reality cannot be admitted to the discussion. Mr. Rawls offers a very comprehensive account of the reasons why comprehensive accounts must be excluded. In *Shame and Necessity*, Bernard Williams evidences remarkably strong animus toward what he calls the Judaic and Christian.

Christianity, he believes, is guilty of having led people to think that morality is only a matter of guilt and not of shame. In the Christian view, there is no transformation of the self in relationship to others; "the truly moral self is characterless." It is simply a matter of keeping the rules dictated by "religious illumination." Williams' construal of Christianity owes more to St. Immanuel Kant than to St. Paul. But his argument is really with anyone and everyone who challenges what we all presumptively know, namely, "We know that the world was not made for us, or we for the world, that our history tells no purposive story, and that there is no position outside the world or outside history from which we might

hope to authenticate our activities."

Some of my best friends are ethicists, and some of them tell me there is a great deal to be learned from Bernard Williams. Since this is, after all, an intellectual journal, we must always remain open to that possibility, recognizing the need to engage alternative arguments, to enter into dialogue with the other, and so forth and so on. But I confess a touch of impatience with the presumption of the masters of The Presumptive We. Why should I respectfully engage thinkers who contemptuously dismiss what they manifestly have not bothered to understand, lest such understanding ruffle the smugness with which they and those of like mind (i.e., members in good standing of The Presumptive We) display their fashionable despairs? That's no more than a question, of course. But I've noticed that the question does intrude itself with some regularity when reading Bernard Williams, John Rawls, Richard Rorty, and ideologically related dons of debonair nihilism.

FT

WHILE WE'RE AT IT

■ *Prophets and Politics* is a 193-page handbook put together by Roy Howard Beck and offering a reliable guide to the many lobbies of American churches in Washington. Leaders, sources of funding, targets of influence, priority issues, and other facts that those who keep an eye on the politics-and-religion game should know. Available from Institute on Religion and Democracy, 1331 H Street N.W., Washington D.C. 20005 for \$8.95.

■ Anyone who thinks religion is in decline, Warwick Collins suggests in the *Spectator*, hasn't been listening to the more devout Darwinists of late. "Over the last decade or so, the British reading public has been entertained by the spectacle of the terrier-like Dr. Richard Dawkins, that self-appointed guardian of the Darwinian flame, pursuing elderly, bemused theologians through the columns of newspapers because they dared to express their belief in God, not Darwin. But Dawkins' own behavior to a considerable extent mirrors the less attractive aspects of religious zealotry. In this sense, his introduction to the 1989 edition of his work, *The Selfish Gene*, is perhaps instructive: 'Intelligent life on a planet comes of age when it first works out the reason for its own existence. If superior creatures from space ever visit earth, the first question they will ask, in order to assess the level of our civilization, is: "Have they discovered evolution

yet?" Living organisms had existed on earth, without ever knowing why, for over three thousand million years before the truth finally dawned on one man. His name was Charles Darwin.' Dawkins claims that Darwin has answered, finally and comprehensively, the question 'What is man?' He proceeds to quote approvingly another Darwinist, Professor G. G. Simpson, who, faced with the same question, wrote: 'All attempts to answer that question before 1859 are worthless, and we will be better off if we ignore them completely.'"

■ They called it "The Woodstock of Bioethics." It was a large gathering in Pittsburgh a few months ago at which the big names in that undefined and perhaps undefinable field called bioethics turned their minds to considering what new permission slips they might issue for the doing of what only yesterday, or so it seems, was deemed unthinkable. As one might expect, a particular favorite was physician-assisted suicide, with respect to which participants offered sophisticated ruminations on the perhaps antiquated distinction between voluntary and involuntary euthanasia. Reporting on the meeting in that admirable quarterly, *the Human Life Review*, Rita Marker says that speaker after speaker assumed that it was not a question of whether doctors should kill and help to kill but simply a matter of appropriate modalities. Then this: "The line of people waiting to question or comment was still long; the time for the session to end was only moments away when Joanne Lynn, M.D., a professor of geriatrics from Dartmouth, reached the microphone. Lynn is no ivory tower academic. She has spent years working with the impoverished elderly and has gained the respect of health professionals throughout the world. In an impassioned voice, she cut through the rhetoric that had filled the room throughout the preceding hour to say, 'The fact is that I, as a hospice physician, am going to be asked to see to it that a person is not alive tomorrow because today they're in awful circumstances.' She went on to describe just what type of conditions many people face. As a hospice physician in Washington, over and over again she has had to find ways to get someone out of a rat-infested place to prevent their being eaten by the rodents. She has seen horrible circumstances where there are no resources, no food, no phones, conditions so bad that for some people it could be considered reasonable to want to die. 'Hell's bells, of course it's rational,' Lynn said. But she went on to declare that, rather than giving them drugs to kill themselves, 'it seems that we must instead find a way to take that pressure and move it to change the supportive care system so people can count on having food and shelter.' Mincing no words, she said, 'I'm being asked here to be the executioner so that those people are not there as a drain on resources.' She asked that all of the discussion about

physician-assisted suicide be seen for what it is—an attempt to find a quiet and complacent way of pushing people who are ‘drains on society’ off the face of the earth. The audience was spellbound. ‘They aren’t going to be young lawyers with AIDS,’ she said, her voice quivering with emotion. ‘They’re going to be us women when we get to be eighty-five and have outlived our families. They’re going to be people who have no effective voice. And if we don’t stand up for them, they’re going to be dead at our hands.’ When she was finished speaking, the audience erupted in applause. This was no polite acknowledgement of her courage to confront a given and turn it on its ear. Looks were exchanged, conveying the message that she had said for many what they’d been too timid to express.” Marker concludes her account with this salutary reminder: “All it took was the gentle audacity of one person—whose obvious compassion and concern for others outweighed what her colleagues might think of her—to eloquently say what needed to be said—and perceptions were changed. It is just this type of bravery that can make a difference in conference rooms, board rooms, hospital rooms, and school rooms across the country. If only we have the courage to do it.”

■ The new and ever indispensable *Yearbook of American and Canadian Churches* is out (\$29.95 from Abingdon). Flipping through it, I was struck by one statistic. At a recent conference of theologians and pastors a seminary professor complained that fewer and fewer students are really taking theology. It is not because there are significantly fewer students at the seminaries. According to the *Yearbook*, in seminaries belonging to the Association of Theological Schools, there were 63,618 students in 1993, down less than 1 percent from 1992. But then this reflection of a long-term trend. In 1969, students studying for the M.Div. (Master of Divinity) or B.D. (Bachelor of Divinity) were 79.5 percent of the total. In 1993, they were 42 percent of the total. Almost a 50 percent drop in the number of students taking a full theology course in preparation for lifetime ministry gives credibility to the professor’s complaint.

■ No, no, Mrs. B., the fact that we have not mentioned Promise Keepers does not mean that we disapprove of the phenomenon or think it unimportant. It’s nice of you to say that you depend on this section to keep you informed about everything happening in the worlds of religion and public life, but you really shouldn’t. We cannot bear the burden of responsibility. But, now that you’ve brought it up, Promise Keepers is a remarkable movement launched by Bill McCartney, the former head football coach at the University of Colorado. Started in 1990, last year the movement brought almost three hundred thousand men to conferences

in seven cities, and this year it expects to double that number. In Michigan an April conference packed Pontiac’s Silverdome with seventy-two thousand men taking the pledge. Promise Keepers promise to, inter alia, honor Christ, practice spiritual and sexual purity, build strong marriages, devote a definite part of each day to prayer, reach out across racial boundaries, and pursue “vital relationships with a few other men,” because a Promise Keeper “needs brothers to help him keep his promises.” Of course the movement has been criticized by some for its alleged male chauvinism, but the reality is, according to organizers and participants, that it is typically the wives who pressure their husbands to take part. Women perceive that they, too, have everything to gain when the husband is confident about being “a real man,” which includes accepting his role as head of the family. Looking ahead to 1997, Promise Keepers hopes to bring one million men to Washington in a national appeal for men to move beyond macho bravado and enfeebling sensitivity toward the adulthood that they owe their sons and daughters—and wives.

■ Associated Press reporter Rita Beamish lays another old canard to rest in the *Boston Globe*. “The often-alleged liberal bias of the media was not borne out in self-descriptions obtained through the poll. Twenty-two percent of journalists described themselves as liberal, compared with 19 percent of the public surveyed. Only 5 percent of the journalists called themselves conservative, compared with 39 percent of the public.” So there.

■ One of the most decent and competent religion reporters of our acquaintance was George Cornell of the Associated Press. The following item concerning him appeared shortly before his death this past year: “Americans’ interest in religion is much greater than in sports. Cornell noted that religious giving in 1992 totaled \$56.7 billion, about fourteen times the estimated \$4 billion spent on professional baseball, football, and basketball, the three largest sports. Using Gallup Poll figures, Cornell placed cumulative attendance at houses of worship during 1993 at 5.6 billion. This, he said, was fifty-five times greater than the 103-million total attendance reported by the three main professional sports leagues. Attendance at all U.S. sporting events totaled 388 million in 1990, according to one publication’s tally. Religious services drew about thirteen times more people, Cornell said, with attendance of 5.2 billion. . . . Full-time religion reporters are rare at newspapers and major broadcast outlets. Only about fifty of 1,600 dailies and one TV network have even one full-time religion reporter, although nearly all have multitember sports staffs.” The neglect of media attention to religion was an abiding concern of George Cornell’s, and an entirely legitimate concern. On the other

hand, it is hardly surprising that there are many more sports reporters than religion reporters. Sports are the ideal subject matter for an industry that is based upon the production of "the news." Every day something new happens, and there are always clear winners and losers. In fact, almost all news reporters are sports reporters in that everything—politics, culture, medicine, business, and religion—is reported in the sports mode of keeping score on contending sides. We used to join in the lament of our friend George Cornell over the lack of media attention to religion. That lack does reflect poorly on the news industry, and it does give many people a distorted impression of what really matters to millions of Americans, but, given the sorry and perhaps inevitable state of news reporting, maybe it's not such a bad thing for religion.

■ Jon D. Levenson of Harvard, no stranger to FT readers, reviews in *Commentary* a volume of interviews with contemporary Jewish thinkers, *The God I Believe In* by Joshua Haberman (Free Press). Among those interviewed is theologian Emil Fackenheim, who challenges the widespread claim that Jews are not concerned about the world to come. Fackenheim reflects: "Now what if one were to say with Jewish tradition that all people who had the chance, not only Jews, of course, but others as well, to do something noble, worthwhile; it isn't just the deed which will be forgotten, it's the deed plus the doer. All these have a share in the world to come, but these six million have none? Now that would be a victory for Hitler even beyond the grave. . . . If there is no hereafter for such as these, then the hereafter does not exist. In other words, for anyone thoughtful enough to say at a funeral, we remember that his soul is with God and God remembers his good deeds—for any such person to say that the six million victims of the Holocaust, or the children starving to death in Africa, are forgotten as though they had never been is a most shocking thought and contrary to everything in Judaism." In words that might be applied as well to the current Catholic or Protestant circumstance, Levenson indicates his skepticism about assertions that we are witnessing a great spiritual renewal: "What these examples and others like them suggest—albeit unscientifically—is that a momentous shift has indeed taken place in Judaism in recent years, but not the shift back to traditional faith which Haberman thinks he sees. Instead, the movement has been away from Judaism as an all-embracing, authoritative theological reality and legal order and toward a reconception of it, and of all religion, as a set of options from which the individual is free to draw selectively, in accordance with his pre-established personal values and private preferences. In the new pattern, 'choice' becomes the highest good, and the choosing self replaces the creating and commanding God as the source of ultimate authority, substantively

redefining while not necessary dislodging the older theological vocabulary. As Haberman's interviews demonstrate, the nearly anarchic fluidity that the new individualism promotes can result in some moving accounts of a return to religious experience, faith, and practice. But it is unlikely that a genuine and large-scale renewal of belief in the God of Israel can take place before the extreme individualism of contemporary American Jewish culture has subsided."

■ Sensitivity to minorities (and the majority of us today belong to one minority or another) has tightened the protocols of what can be said in polite company. People who belong to minorities as they are more traditionally defined, however, seem less inhibited by explicit or implicit language codes. A survey conducted by the National Conference of Christians and Jews found that 46 percent of Hispanic Americans and 42 percent of blacks agree that Asians are "unscrupulous, crafty, and devious in business." Hispanics "tend to have bigger families than they are able to support," say 68 percent of Asians and 49 percent of blacks, while 31 percent of Asians and 26 percent of Hispanics agree that blacks "want to live on welfare." Very few whites, on the other hand, are prepared to express such stereotypes, even if they think them true. The researchers note that college-educated folk voice the most tolerant views of others, and more whites are college-educated. The researchers are in a bind. To say that whites are more tolerant than minorities might be thought insensitive. Perhaps it is the case that minorities are more straightforward and whites more hypocritical in what they are prepared to say about others. But that implies that a college education increases hypocrisy, which is not what the researchers appear to have in mind. As to our own view, we believe that surveyors claiming to measure levels of tolerance tend to be crafty and devious, and are in a most dubious business.

■ Majoritarianism and individualism are at the heart of Robert H. Wiebe's new book, *Self-Rule: A Cultural History of American Democracy* (University of Chicago Press). They are not necessarily pitted against one another, he contends. "Here also a democratic group's stake in pulling down hierarchies and a democratic individual's stake in opening up opportunities mesh. That tradition certainly does not argue for equalizing wealth or returns. It claims a popular right to access, to a voice, to seizing the moment as an equal participant in a broad range of social enterprises. It harkens back to an axiom in America's original democracy: having rights means taking rights." The down side in that axiom is that those who are not able to take rights have no rights. For instance, and although Wiebe does not say so, the unborn child and senile old person. He does touch on abortion in a way that

obliquely, and ever so gently, implies some uneasiness about the unlimited abortion license in current law. "A woman's sovereignty over her own body may be sufficiently absolute to render anything that resembles mandatory childbearing 'involuntary servitude.' What the democrat asks is that just as few as possible of those rights be sealed apart from political life, just as many as possible embedded in a majoritarian process. The rights themselves depend upon it. As recent events have demonstrated, those champions of individual rights who live by the judiciary die by the judiciary." That cannot be a comforting thought for the champions of abortion on demand.

■ An enthusiastic subscriber from Pennsylvania writes to encourage us to keep up the good work, and we assured him that we would try to do our best. But then this: "I became aware of FIRST THINGS when I found a discarded copy in a trash can in a men's room at St. Charles Seminary, Philadelphia, where I was attending a retreat." A discarded copy? In a trash can? In a men's room? Cardinal Bevilacqua, please call your seminary rector.

■ In a remarkable new book, *The Election of Israel* (Cambridge University Press), Rabbi David Novak of the University of Virginia writes: "All that can be known about the final redemption, then, is that the estrangement between God and Israel and God and the world will ultimately be overcome. And God's redemption of Israel will be central to this cosmic redemption." To which Christians can say amen. Both Christian and Jews might have difficulty with Novak's related assertion: "We can only have faith *that* it will come; we cannot have any knowledge of *what* it will be." But surely Jews believe they have knowledge of the "what" in an anticipatory and provisional way in the covenant with Israel, as Christians are confident that the eschaton will be in continuity with that same covenant culminating in Jesus the Christ. In fact, earlier in the book Novak insists upon that continuity in asserting that the final redemption will be the "Judaization" of universal history. At that earlier point, Novak is taking issue with the great Franz Rosenzweig, who suggested that the End Time would transcend both Judaism and Christianity. The Rosenzweig argument, which is brilliantly and sympathetically summarized by Novak, is the ground on which theologically serious Jews and Christians can, I believe, most productively encounter one another. The great and abiding disagreement, of course, is over the identity of Jesus the Christ. While Christians might agree that the eschaton will transcend much that is the historical phenomenon called Christianity, it cannot transcend Jesus the Christ, since by definition it cannot transcend God, and he is the second person of God—Father, Son, and Holy Spirit. It is to the great credit of David

Novak that he is a Jewish thinker with such a solid grasp of Christian theology that he is able to compel Christians to come to terms in a fresh way both with normative Judaism and with Christianity's understanding of the covenant from which emerges our common hope. *The Election of Israel* is a worthy successor to Novak's earlier *Jewish-Christian Dialogue* (Oxford University Press), giving further evidence that David Novak is one of the commanding religious thinkers at the end of the twentieth century who can be ignored by neither Jews nor Christians who would understand God's saving ways in history.

■ There are numerous angles from which to view, and attempt to explain, the precipitous decline of the Protestant mainline. There is, for instance, this report from the United Methodist Church. In 1957, 40 percent of its members were fifty years or older. In 1994 that figure was 61.4 percent. (In the general population, 25.5 percent are over fifty.) Three percent of the United Methodist laity are younger than twenty-five, while 32.8 percent are sixty-six to ninety-nine. The largest denomination of the Protestant mainline is, quite literally, dying.

■ My goodness. President Al Barry of the Lutheran Church—Missouri Synod recently wrote the Pope, addressing him as "Your Holiness" and wishing him "God's blessings" in his work. Dr. Gregory Jackson, a Lutheran pastor, writes in *Christian News* that "it is inexcusable to wish the Antichrist 'God's blessing' in his work of destroying faith, murdering souls, and sending people to Hell on the basis of their works." Dr. Jackson goes on in this vein, at length, including a swipe at this writer who "was recently a dinner guest of the Antichrist and now serves as spin doctor for the newest encyclical [on Christian unity]." Having dinner with the Antichrist, imagine that. President Barry, says Jackson, is "helping to delude all those who think the Pope is a nice guy who is pro-life." He is not a nice guy? He is not pro-life? The confusions that afflict erring Lutherans and others, says Jackson, "have their origin in Roman Catholicism and the infernal regions below, where such plots are hatched to lure away weak believers." Pastor Jackson's doctorate was received from the University of Notre Dame, which at last report was still in communion with the Bishop of Rome. Having dinner with the Antichrist is one thing. Being instructed and certified by his minions is another. How crafty of Rome to put Dr. Jackson forward as an anti-Catholic polemicist in order to discredit anti-Catholicism. It hardly comes as a surprise, however, to those who know all about the hatching of plots in the infernal regions below.

■ Complaining that Senator Jesse Helms lacks compassion, reporter Nina Totenberg (National Public Radio and ABC) responds to his saying that

the government is spending too much on AIDS research: "I think he ought to be worried about what's going on in the Good Lord's mind, because if there is retributive justice, he'll get AIDS from a transfusion, or one of his grandchildren will get it." Be grateful that the world is not in the charge of the ever so caring Nina Totenberg.

■ The Rev. Bonnie Shullenberger of Ossining, New York writes in response to a recent comment on the clergy glut in the Episcopal Church. There is such a surplus in the major cities of the U.S., she allows, but then provides evidence that in other regions of Anglicanism, from the U.K. to Africa, there is a severe shortage of clergy. We should have limited our comment to large urban dioceses in the U.S.

■ A welcome paperback edition of *Natural Law Theory*, edited by Robert P. George (Oxford University Press, 371pp., \$18.95), has now appeared. Our reviewer, David Solomon (May 1993), declared it to be "a superb collection of original essays on natural law theory. For anyone who might still believe that natural law theory is merely a relic of bygone days, discussion of which is kept alive by aging seminary professors and benighted religious traditions, Professor George's book provides an indispensable antidote." As is always—well, almost always—the case with our reviewers, he got it precisely right.

■ John Hockenberry is a regular on National People's Radio, and is also a paraplegic, which is the main subject of his new book, *Moving Violations: War Zones, Wheelchairs, and Declarations of Independence* (Hyperion). Reviewing the book for the *New York Times*, novelist Pico Iyer praises Hockenberry for his courage. "Thus," writes Iyer, "he fearlessly likens Ronald Reagan to the Ayatollah Khomeini." In the world of NPR and the *New York Times*, that takes an awesome readiness to defy convention. In the book, Hockenberry tells about struggling up the steps of a New York subway station. "Every white person I had encountered had ignored me or pretended that I didn't exist, while every black person who came upon me had offered to help without being asked." White people bad. Black people good. Or maybe not, since elsewhere Hockenberry rails against those who assume that people in wheelchairs can't manage by themselves. You can't win for losing. For all we know, Mr. Hockenberry may be admirable in the way he copes with his disability, but for more instructive and affecting accounts of living with a severe handicap we strongly recommend two others books appearing this year, Reynolds Price's *A Whole New Life* (Atheneum) and Wilfred Sheed's *In Love With Daylight* (Simon & Schuster). Price, a novelist at Duke, has gone through years of horrific battles with cancer that have left him severely crippled (he insists

on the term), and emerges with a wondrous tranquility sustained by Christian faith, albeit a somewhat idiosyncratic Christian faith. Sheed is particularly effective in his descriptions of his childhood polio, long before the vaccine. What both do very persuasively is to make the case that suffering and disability frequently (typically?) seem worse to the beholder than to those going through the experience. Witness such as theirs is important in a culture that is increasingly given to inflating the horrors of disability, sickness, and dying in order to make the case for relieving people of the burden of living. "Just to be is a blessing. Just to live is holy." So said Rabbi Abraham Joshua Heschel, and so testify Price and Sheed.

■ Literature, in the past century and a half, has descended into a "sustained sneer" toward bourgeois virtue, writes Donald McCloskey, professor of economics and history at the University of Iowa, in the *American Scholar*. "By the late nineteenth century economics had dropped out of the conversation entirely. No intellectual since 1890 has been ashamed to be ignorant about the economy or economics. Lawyers and physicists sound off about economics without having cracked a book. Historians study Marx as though he were not a minor Ricardian. Biologists passionate about economic ecology could not pass the first hour exam in Econ. 101. It is a rare English professor—David Lodge, for example, in *Nice Work*—who can see the businessperson as anything other than The Other, or The Enemy." One reason for the animus toward the market economy, says McCloskey, is the widely accepted notion that it is a recent vulgarity imposed upon the human story. "A myth of recency has made the virtues arising from towns seem those of a shameful parvenu, such as Franklin and America. In economic history dependent on Marx, such as Max Weber's *General Economic History* or Karl Polanyi's *The Great Transformation*, the market is seen as a novelty. 'Market economy,' claimed Polanyi with little evidence, 'is an institutional structure which, as we all too easily forget, has been present at no time except our own.' From this Marxist historical mistake arose the fairy tales of lost paradises for aristocrats or peasants and a reason for ignoring the bourgeois virtues. It has taken a century of professional history to correct the mistake. The late David Herlihy put it this way in 1971: 'Research has all but wiped from the ledgers the supposed gulf, once considered fundamental, between a medieval manorial economy and the capitalism of the modern period.' Medieval men bought and sold everything from grain to bishoprics. The Vikings were traders, too. Greece and Rome were business empires. The city of Jericho dates to 8000 B.C. The emerging truth is that we have lived in a world market for centuries, a market run by the bourgeoisie. Time to recognize the fact and to cultivate a bourgeois virtue."

■ The *Christian Challenge* calls itself the “worldwide voice of traditional Anglicanism,” and a recent issue gives an update on how that movement is faring. There are five “continuing” Anglican churches—churches professing to maintain the authentic Anglo-Catholic tradition that others, including the Episcopal Church in this country, have allegedly abandoned. The Traditional Anglican Communion, the Anglican Catholic Church, the United Episcopal Church of North America, the Province of Christ the King, and the Episcopal Missionary Church claim to have a combined membership of 92,700. The *Christian Challenge* lists four other bodies of “traditional Anglicanism”: the Reformed Episcopal Church, the Charismatic Episcopal Church, the Free Church of England, and the Church of England in South Africa. (The charismatic group protests that it is not a traditional body of “continuing Anglicans” but is composed chiefly of Protestant pentecostalists who have discovered the beauties of Anglican tradition.) The total membership of all traditional bodies is 204,200. The Anglican communion worldwide counts close to sixty million members, but that includes populations where church attendance is in the single digits. Presumably the traditional bodies are counting only the actively affiliated, which suggests they are not an insubstantial portion of active Anglicans in the world. Whether they have a future likely depends on how many people can be persuaded that the right way to maintain the catholic tradition is to start a new church.

■ True story. An Irish fellow with a delightful brogue comes up after a lecture. “Yes, Father, I’ve two brothers who are priests and a sister who’s a nun. My mother says that celibacy runs in the family.”

■ The lead editorial in last year’s Christmas Day edition of the *New York Times* was “A Christmas Reversal.” It began like this: “In December of 1883, forty years after Charles Dickens’ ‘A Christmas Carol’ was first published, this page may have sounded its most curmudgeonly note ever. That was the year in which the *Times* approvingly noted that there seemed to be a decline in the popularity of ‘the

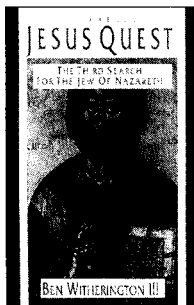
German Christmas Tree—a rootless and lifeless corpse.’” The editorial then goes on to note the remarkable popularity of the Christmas tree in subsequent years, and concludes: “It is now our pleasant duty, 111 years after that first grumpy pronouncement, to declare officially that the Christmas tree is not a passing fad.” Hey, kids, it’s okay for us to have a tree this year. The *Times* has made it official.

■ The Council for Democratic and Secular Humanism, Professor Paul Kurtz founder and bishop, publishes *Free Inquiry*. A reader sends us a promotional letter he received in which the magazine lists all the important questions it covers in “preserving our freethought heritage.” Included is this, “The rise of Richard John Neuhaus and why he bears close watching.” I’ve been wondering about those people going through my garbage pails. Imagine, sneaky Humanists disguising themselves as the homeless. I can’t wait until tomorrow. “Good morning, Professor Kurtz. Looking for free thoughts?”

Sources: Rand study on wealth and inheritance, *New York Times*, July 25, 1995. Herbert W. Chilstrom on the ELCA in the *Lutheran*, September 1995. Bishop H. George Anderson quoted from *Reading Eagle/Reading Times*, August 26, 1995. On prenatal testing, *Spectator* letters section, June 24, 1995.

WHILE WE’RE AT IT: Richard Dawkins quoted by Warwick Collins, *Spectator*, December 31, 1995. “The Woodstock of Bioethics” by Rita Marker, *Human Life Review*, Winter 1995. Statistics on Promise Keepers from the *Economist*, June 3, 1995. Rita Beamish on liberal bias, *Boston Globe*, May 22, 1995. George Cornell on religion and sports, *National and International Religion Report*, May 2, 1994. Jon D. Levenson quotes Emil Fackenheim and comments on Jewish spiritual renewal, *Commentary*, May 1994. National Conference of Christians and Jews statistical survey on tolerance, March 6, 1994. Statistics on Methodist decline, *Christian Century*, July 5-12, 1995. Dr. Gregory Jackson on the Pope as Antichrist, *Christian News*, July 24, 1995. Nina Totenberg on Jesse Helms, *Inside Washington*, July 8, 1995. Donald McCloskey on bourgeois virtue and economics, *American Scholar*, Spring 1994. On Anglican churches, *Christian Challenge*, October/November 1994. *New York Times* on Christmas trees, December 25, 1994.

EVANGELICAL & ECUMENICAL



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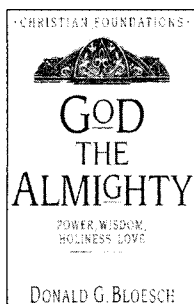
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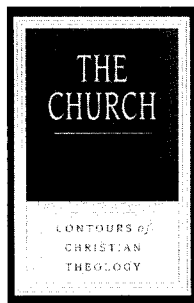
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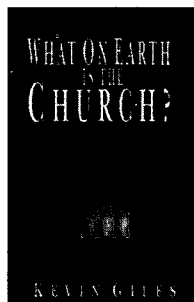
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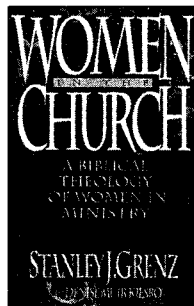
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